

3 3433 08181013 1

Digitized by the Internet Archive
in 2008 with funding from
Microsoft Corporation

IVL

+
Stevens

HISTORY
OF
THE BENCH AND BAR
OF
MINNESOTA.

PREPARED UNDER THE DIRECTION OF THE LATE

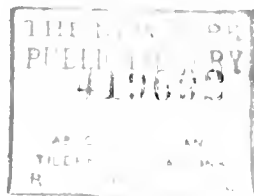
HIRAM F. STEVENS.

*ILLUSTRATED WITH STEEL ENGRAVINGS
AND HALF-TONES.*

VOL. II.

MINNEAPOLIS AND ST. PAUL:
LEGAL PUBLISHING AND ENGRAVING COMPANY.
J. CLYDE LINDSEY, MANAGER.

1904.



CONTENTS.

VOLUME II.

CHAPTER I.

Biographical Sketches of Some of the Men Who Have Made Minnesota Famous.....	1
------------------------------------------------------------------------------	---

CHAPTER II.

Lawyers Representing Minnesota in the National Legislature....	39
----------------------------------------------------------------	----

CHAPTER III.

Charles B. Elliott, the Eminent Jurist and Author—The Distinguished Horace R. Bigelow—Hon. William Edward Hale....	44
--------------------------------------------------------------------------------------------------------------------	----

CHAPTER IV.

The Bench and Bar of Ramsey County—Prominent Lawyers of St. Paul.....	54
-----------------------------------------------------------------------	----

BY JOHN E. STRYKER.

CHAPTER V.

Lawyers Who Have Attained Distinction at the Bar, upon the Bench and in Administrative and Military Service.....	90
------------------------------------------------------------------------------------------------------------------	----

CHAPTER VI.

Bar Associations of Minneapolis and Hennepin County—Prominent Lawyers of Minneapolis.....	127
-------------------------------------------------------------------------------------------	-----

CHAPTER VII.

State Bar Association.....	159
----------------------------	-----

CHAPTER VIII.

Biographical Sketches of Lawyers Who Have Achieved Promi- nence and Success in Their Respective Localities.....	168
--------------------------------------------------------------------------------------------------------------------	-----

CHAPTER IX.

The Merger Cases.....	200
-----------------------	-----

CHAPTER X.

Reminiscences of Minnesota During the Territorial Period.....	215
---------------------------------------------------------------	-----

BY THE LATE CHARLES E. FLANDRAU.

CHAPTER XI.

Oddities and Incidents.....	239
-----------------------------	-----

INDEX TO BIOGRAPHIES.

Abbott, H. S.	156	Bunn, Charles W.	123
Akers, Charles N.	83	Byrnes, Timothy Edward ..	99
Albert, Charles S.	159	Calhoun, David Thomas ...	84
Albin, Martin Hirst	78	Cannon, Edward J.	66
Ankeny, Alexander T.	25	Child, James E.	193
Arcander, Ludwig	155	Childress, Arthur B.	183
Atwater, Isaac	20	Clapp, Moses E.	33
Austin, Horace	106	Clarke, Francis H.	71
Barke, John Owen	184	Clark, Greenleaf	16
Barton, Humphrey	81	Coppernoll, Peter V.	199
Batchelder, George Wash- ington	28	Cotton, Joseph B.	108
Baxter, John T.	146	Cray, Lorin	94
Bazille, Edmund W.	110	Crosby, S. P.	61
Bechhoefer, Charles	69	Cutcheon, Franklin W. M. .	168
Begg, William Reynolds ...	85	Deutsch, Henry	136
Bigelow, Horace R.	46	Dickson, Frederick Newbury	80
Blanchard, Arthur Palmer .	179	Dolmer, Leonard J.	64
Bleecker, George Newton ..	148	Donahue, William H.	157
Boardman, Frederick H. ...	135	Donnelly, Ignatius	23
Booth, Wilbur F.	147	Donnelly, Stanislaus J.	59
Bowe, Arthur E.	86	Doran, Michael, Jr.	73
Briggs, Asa Gilbert	172	Elliott, Charles B.	44
Brown, Calvin Luther	90	Ferguson, Cassius M.	143
Brown, Frederick Vaness ..	151	Field, Nicolai F.	182
Brown, Rome G.	154	Fish, Daniel	139
Bruener, Theodore	188	Flandrau, Charles E.	1
Bucklin, De Forest	177	Fowler, Charles R.	141
		Gale, Edward C.	144

Garrity, Thomas A.	147	Miner, Nelson H.	105
Godfrey, Percy Downing..	62	Mitchell, William D.	76
Goforth, Walter C.	76	Montgomery, Edmund A..	138
Hahn, W. J.	94	Morey, Charles A.	189
Hale, William Edward.	49	Morgan, Darius F.	117
Hall, Albert H.	100	Murray, William P.	111
Hamilton, Charles E.	67	Nelson, Knute.	30
Hanley, Martin Franklin...	169	Nelson, Rensselaer R.	8
Haupt, Charles C.	126	Nye, Carroll A.	189
Hayes, Simon Mills.	70	Olson, Samuel.	73
Hendrix, Fred N.	157	O'Brien, Richard D.	66
Hickey, James R.	58	O'Brien, Thomas Dillon...	57
Hinds, Charles Gilbert.	186	Penney, Robert L.	134
Hodgson, Edward J.	82	Perley, George E.	182
Hoff, Charles Smith.	89	Wyman, George Henry.	194
Holman, Oscar E.	74	Peterson, Frank H.	84
Horn, Henry J.	96	Phillips, Herman W.	69
How, Jared.	112	Pye, Charles W.	188
Jackson, A. B.	198	Quinn, Thomas H.	190
Jayne, Trafford Newton...	173	Reynolds, George H.	176
Judson, Harry Carleton...	78	Reynolds, Jay L.	174
Kipp, Sylvester.	68	Roberts, Harlan P.	153
Kitchel, Stanley R.	175	Robinson, George R.	140
Kyle, John P.	88	Root, F. W.	118
Lind, John.	35	Sanborn, Walter H.	9
Lindbergh, Frank A.	193	Scrutchin, Charles W.	187
Lindbergh, Charles A.	179	Searle, Dolson B.	91
Lochren, William.	14	Snyder, Fred B.	121
McClenahan, William S.	103	Smith, Edward E.	145
McDermott, Thomas Jeffer-		Smith, Seagrave.	103
son.	79	Southworth, Eli.	192
McGovern, Peter.	72	Sperry, Wesley A.	185
McMurrin, William T.	64	Spooner, Marshall A.	195
Marden, Charles S.	180	Steele, John H.	149
Mead, Warren H.	87	Steenerson, Halvor.	37

Stevens, Frederick Clement.	34	Walsh, Richard A.	60
Stevens, Hiram Fairchild.	114	Webber, Marshall B.	119
Stewart, George W.	178	Wells, Robert J.	106
Stobbsart, Arthur J.	75	Westfall, William P.	77
Tawney, James A.	38	Wheeler, Howard	68
Taylor, Myron D.	184	White, William G.	65
Todd, William E.	180	Williamson, James Franklin	152
Tyron, Charles John	171	Wright, Fred Beriah	145
Wadsworth, Frank H.	141	Wyman, George Henry	194
Wadsworth, Harry H.	137		

INDEX TO PORTRAITS.

Ankeny, Alexander T.	25	Godfrey, Percy Downing	62
Barton, Humphrey	81	Hall, Albert H.	100
Bazille, Edmund W.	110	Hanley, Martin Franklin	169
Bleecker, George Morton	148	Jackson, A. B.	198
Briggs, Asa Gilbert	172	Jayne, Trafford Newton	173
Brown, Frederick Vaness	151	Lochren, William	14
Brown, Rome G.	154	McClenahan, William S.	103
Byrnes, Timothy Edward	99	McDermott, Thomas Jeffer-	
Calhoun, David Thomas	84	son	79
Cannon, Edward J.	66	Marden, Charles S.	180
Child, James E.	193	Mead, Warren H.	87
Clark, Greenleaf	16	Miner, Nelson H.	105
Cotton, Joseph B.	108	Morgan, Darius F.	117
Cray, Lorin	94	Nye, Carroll A.	189
Donnelly, Stanislaus J.	59	Penney, Robert L.	134
Elliott, Charles B.	44	Perley, George E.	182
Ferguson, Cassius M.	143	Peterson, Frank H.	84
Flandrau, Charles E.	1	Quinn, Thomas H.	190
Garrity, Thomas A.	147	Reynolds, Jay L.	174

Roberts, Harlan P.	153	Stevens Hiram Fairchild . . .	114
Root, F. W.	118	Tawney, James A.	38
Sanborn, Walter H.	9	Tyron, Charles J.	171
Searle, Dolson B.	91	Wadsworth, Frank H.	141
Smith, Seagrave	104	Wadsworth, Harry H.	137
Snyder, Fred B.	121	Williamson, James F.	152
Spooner, Marshall A.	195	Wright, Fred B.	145
Steele, John H.	149	Wyman, George H.	194
Steenerson, Halvor	37		



Chas E Hendon

HISTORY OF THE BENCH AND BAR OF MINNESOTA

VOL. II.

CHAPTER I.

BIOGRAPHICAL SKETCHES OF SOME OF THE MEN WHO
HAVE MADE MINNESOTA FAMOUS.

CHARLES E. FLANDRAU.

Charles Eugene Flandrau was born in New York City, July 15, 1828. On the paternal side he came remotely of Huguenot ancestry. His father, Thomas H. Flandrau, was a prominent attorney of New York state, and for many years a law partner of Aaron Burr. His wife, the mother of Judge Flandrau (born Elizabeth Macomb), was a half sister of Gen. Alexander Macomb, who was the commanding general of the United States army from 1828 to 1841.

A considerable portion of Judge Flandrau's boyhood was passed at Georgetown, District of Columbia. When he was but thirteen years of age he sought a warrant as midshipman in the United States navy, and when, because he was under the legal age, the appointment could not be made, he shipped "before the mast" in the government service, and served for two years on the revenue cutters *Forward* and *Van Buren*. He then made several voyages on merchantmen, and, in all, his life as a sailor boy lasted about three years. Returning to Georgetown, at the age of sixteen, he attended school for some months

and then went to New York City, where he was employed in a mahogany mill for about three years and learned the trade of fine cabinet maker. His strenuous course in early life was prescribed by his father, as a wholesome discipline likely to prove of future value.

When he had learned his trade he entered his father's law office at Whitesboro, New York, and after a two years' course of study and instruction, under the direction of his accomplished parent, he was admitted to the bar January 7, 1851, and entered into partnership with him, and this relation continued for two years.

In November, 1853, in company with the late Horace R. Bigelow, he came to St. Paul, and, upon their admission to the bar of the territory, the two young men opened a law office in the then frontier town under the firm name of Bigelow & Flandrau. The following year he became the agent of the town company that had laid out the town of Traverse des Sioux, on the Minnesota, in Nicollet county, two miles east of St. Peter. He went upon the town site and passed the following winter there in the shack of Stewart B. Garvie, an adventurous frontiersman typical of the times, then clerk of the district court of the county. The two were completely isolated from civilization, seldom seeing a white man or hearing from the outside world, and their chief occupation was killing the wolves that howled and snarled about their cabin. The following spring they had seventy-five wolf skins as trophies of their skill. Mr. Garvie was killed by the Indians in the outbreak of 1862.

In 1856 Flandrau was elected to the territorial council, but resigned after serving during one session. In 1857 he was elected a member of the state constitutional convention and served in the democratic branch of that body. His work in the convention was of such a character that it brought him into public notice and contributed largely to his further preferment in the public service.

Judge Flandrau's connection with the Indian affairs of Minnesota was both conspicuous and historic. In 1856 he was appointed United States agent for the Sioux of the territory. The agencies of the Indians—at each of which he had an office—were at Redwood, on



the Minnesota, opposite the present village of Morton, and on the Yellow Medicine river, a few miles from its mouth. His administration was wholly successful, and was never even criticised, although it was very active, not to say distinguished. In March, 1857, after the massacres at Spirit Lake and Springfield, Flandrau, as agent, with a detachment of regulars from Fort Ridgely, pursued the savage perpetrators—the bloody minded Inkapadoota and his band—through southwestern Minnesota, and Flandrau was chiefly instrumental in restoring to freedom two of the unfortunate captives in their hands, Mrs. Margaret A. Marble and Miss Abbie Gardner. Subsequently he led a party of soldiers and volunteers that killed Roaring Cloud in 1857.

Later in 1857 he resigned the office of Indian agent and, July 17, was appointed by President Buchanan associate justice of the territorial supreme court. In the same year he was elected, as one of the democratic nominees, associate justice of the state supreme court, and upon the admission of Minnesota to the Union, the following year, he qualified and entered upon his duties and served on the bench for about six years. He did his full share of official work and wrote his proper quota of opinions, which are to be found in the early volumes of the State Reports.

Judge Flandrau will ever be remembered and commended as one of the founders of the system of jurisprudence of Minnesota, both as a member of the constitutional convention and of the supreme bench. In the latter position he was the author of some important decisions and opinions. In November, 1858, he delivered a dissenting opinion in the case of the Minnesota & Pacific Railroad Company vs. Governor Sibley (2 Minn., p. 13), which attracted general attention and was often the subject of citation and comment. The railroad company had mandamused the governor to compel him to issue and deliver certain state bonds to its agents, and the case came to the supreme court for final review. Judge Flandrau sustained the position of the governor, that the state had a right to an exclusive lien upon the roads, lands and franchises of the railroad companies to the amount

of the state bonds issued to them, and that trust deeds should be filed accordingly. The majority decision, adverse to Judge Flandrau's opinion, with other causes, led to the well known repudiation action of the state, with the consequent stigma and the resultant long controversy which finally ended by the assumption by the state of the greater part of the indebtedness. In July, 1860, however, the court practically reversed its former decision and sustained Flandrau's opinion, in the case of Chamberlain vs. Sibley (4 Minn., p. 309), refusing a peremptory writ of mandamus to compel the governor to deliver certain bonds, and basing its action upon the ground that the court would not undertake to compel the governor to perform any duty devolving upon him as the chief executive and properly pertaining to his office. "In all such matters," said the court, "the executive is of necessity independent of the judiciary." The language of Flandrau's decisions is always admirably plain, simple and clear, but uniformly terse, vigorous and expressive. The opinions expressed are models of perspicuity and judicial soundness, though all of them were written before the author had reached the age of thirty-six years, and many of them while he was yet under thirty.

But distinguished and valuable as was Judge Flandrau's service in the civic departments of the state, it will perhaps be on the pages of her military history where his name will be most conspicuously placed. His military service in connection with the suppression of the Sioux Indian rebellion of 1862 was very valuable and influential and its record is fairly attractive and showy. Though of warm heart and genial disposition, he was of fine military carriage and bearing and a soldier by instinct, and his important military work was rendered while he was a judge of the supreme court.

The startling news of the Indian outbreak on the 18th of August, 1862, reached Judge Flandrau at his residence, at Traverse des Sioux, at 4 o'clock the following morning. Sending his family at once to Minneapolis, he rode rapidly to St. Peter, a mile away, assisted in organizing a company of 115 volunteers, of which he was chosen captain, and in a few hours was galloping at their head to the deliver-

ance of New Ulm, then girt about by a wall of bloodthirsty savages, and in sore straits. The distance, thirty-two miles, was compassed just in time. Flandrau and his men dashed into the imperiled town, drove away the Indians, put out the fires they had set and calmed the terror-stricken people. By a unanimous voice he was elected commander-in-chief of all the forces engaged in the defense of the town, and at once he set about making preparations to receive his desperate enemies, who he felt sure would soon be upon him again.

Three days later, on August 22, came a formidable attack from a vastly superior force of Indians, the best fighters among the red men of the northwest, but after two long and trying days of almost continuous battling, during which a considerable part of the town was burned and the whites had ten men killed and fifty wounded, the savage host was driven away, howling in disappointment and defeat. The following morning, because his ammunition and provisions were well nigh exhausted, and he was encumbered with hundreds of helpless non-combatants, and because he was still menaced by a superior force of the savages, he evacuated the town. He carried away one hundred and fifty-three wagon loads of women and children, sick, wounded and helpless, and also a large company of people on foot, and delivered the whole in safety at Mankato. A splendid monument commemorating this incident and bearing a medallion of Judge Flandrau was erected in New Ulm in 1890, but the people of that little city will remember his services and honor his memory when iron is rust and marble is dust.

He continued in the military service of the state for some weeks after the battles of New Ulm and until the Indian war was well over. August 29 Governor Ramsey authorized him to raise troops, appoint officers over them, and to perform generally whatever service he deemed best for the defense of the state's southern and southwestern frontiers. A few days later he was commissioned as colonel in the state militia and given general authority over the districts mentioned by General Pope, then in command of this military department. He raised and organized several military companies and placed them in

posts from New Ulm to the Iowa line. In October, the Indians having been driven from the state, he turned over his command and resumed his judicial duties.

In the spring of 1864 Judge Flandrau resigned from the supreme bench and went to the then territory of Nevada, where, with his former associate, Judge Isaac Atwater, he began the practice of law, first at Carson and later at Virginia City. Late in 1865 he went to St. Louis, where he was for some months in the practice with Col. R. H. Musser, but in 1867 he joined his former partner, Judge Atwater, in Minneapolis. The same year he was elected city attorney, and in 1868 was chosen the first president of the board of trade of that city. In 1870 he removed to St. Paul and entered into partnership with H. R. Bigelow and Greenleaf Clark. The firm, always one of the strongest in the northwest, became, by changes in its membership from time to time, Flandrau, Squires & Cutcheon, but in 1897 it was dissolved by the retirement of Judge Flandrau, who thereafter continued in the profession on his own account until within a comparatively short time prior to his death.

In politics Judge Flandrau was a lifelong democrat of the Thomas Jefferson school, believing in the reserved rights of the states, a strict construction of the federal constitution, and the original and cardinal principles of his party generally. But while there was no more zealous admirer of the democratic party, he did not always support its candidates. He refused to vote for Bryan in 1896, and supported McKinley, but in 1900, when Bryan was again a candidate and "imperialism" was advocated by the republicans, he did not vote for any presidential candidate. In 1867 he was the democratic candidate for governor of Minnesota, but was defeated by Wm. R. Marshall. In 1869 he was the candidate of his party for chief justice, but was defeated by Judge Ripley. On both occasions he ran well ahead of his ticket, and his defeats were because of the overwhelming republican majority in the state. He always kept in line with the local democrats of his home

city and state, supported their candidates and obeyed their calls. In 1890 they nominated him for the humble position of alderman, and he accepted the nomination as a call to duty in time of danger, was elected overwhelmingly and served acceptably.

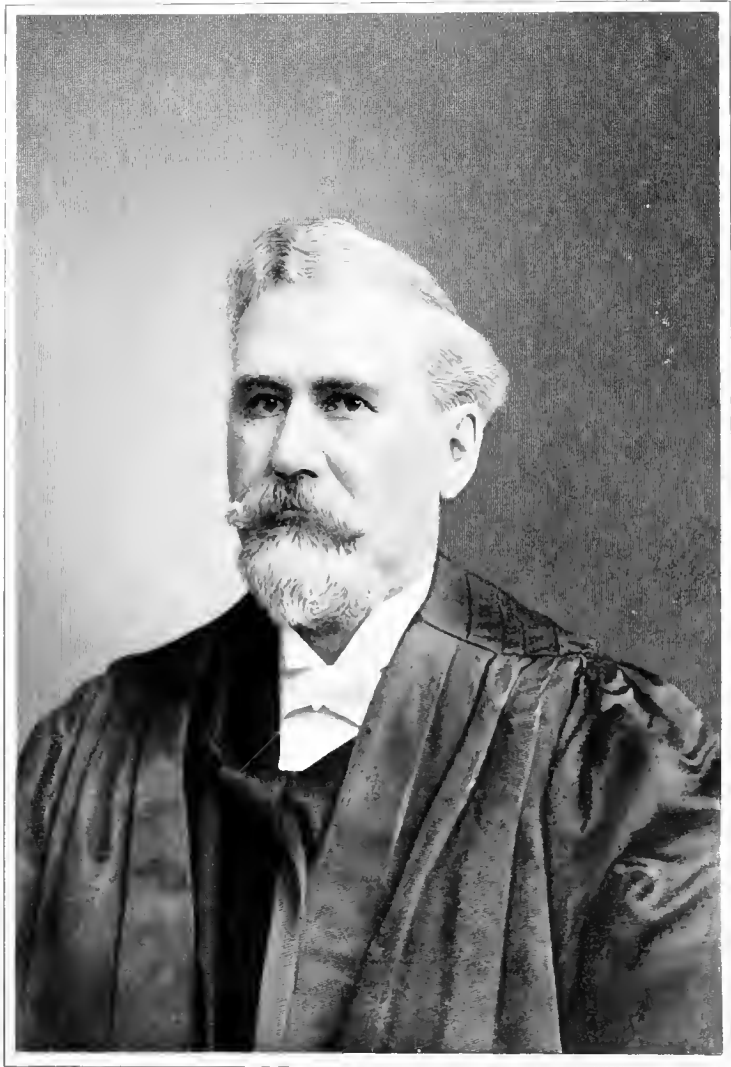
He was always public spirited to an eminent degree, willing to work for the material and other interests of his home community, his state and humanity, without compensation and often to the injury of his private interests. He was unselfish, liberal minded and well disposed, and his time, his talents and his purse were always at the service of his fellow men who needed them. In his private character he was most admirable. His most intimate friends never heard Charles Flandrau utter a damaging and harmful expression against any one. If he could say nothing good of a man, he said nothing. His spirit was high and pure, his conduct always noble, and upon his entire life record there is not a single stain of dishonor.

In the early fall of 1900 Judge Flandrau, though strong, athletic and vigorous almost as when in the prime of life, was suddenly stricken with a form of paralysis. For three years he fought against the disease, but gradually succumbed to its ravages, and September 9, 1903, died at his beautiful and hospitable home on Pleasant avenue, St. Paul. His last days were peaceful, and pleasant even, to a great extent. His legion of friends sympathized with him and sincere and deep was the grief and regret, not alone in St. Paul, but throughout the state, at his death.

Judge Flandrau was twice married. His first wife, whom he married in 1859, was Isabella Ramsay Dinsmore, daughter of Col. James Dinsmore, of Boone county, Kentucky. She died in 1867, leaving two daughters, one, now the widow of the late Tilden R. Selmes, and the other, Sarah Gibson Flandrau, now Mrs. F. W. McCutcheon, of New York. In 1871 he married Mrs. Rebecca Blair Riddle, a daughter of Judge Wm. McClure, of Pittsburg, Pennsylvania, and of this marriage there are two sons, Charles Macomb Flandrau and William Blair McClure Flandrau.

RENSSELAER R. NELSON.

Few men have been privileged to point to a record of nearly forty years' service on the federal district bench. Such an honor is rare in the history of jurisprudence. From its admission to statehood in 1858 up to 1896 Minnesota had as its representative on the United States district bench Hon. Rensselaer R. Nelson, of St. Paul. Judge Nelson was born at Cooperstown, New York, in May, 1826, and combines a strain of Irish, Scotch, English and Dutch blood in his veins. He is a son of Samuel Nelson, for many years one of the judges of the New York supreme court, afterward an associate justice of the United States supreme court, and Catherine Russell. His paternal grandfather, John Nelson, came to this country from Ballibay, Ireland, in 1764, with his grandfather, John Rogers Nelson, and was a child at the time of settling in Washington county, New York. He served as sergeant in the war of the revolution. Here Rensselaer R. Nelson's father, Samuel Nelson, was born in 1792. On the maternal side he is a grandson of John Russell and Elizabeth Williams, and great-grandson of Ebenczer Russell, a revolutionary soldier. On the same side he is descended from John Nelson, who was born in England in 1595, settled at Cambridge, Massachusetts, in 1635, and was an intimate friend of Governor Bellingham. Judge Nelson prepared for college in the military school of his native town, and at Haerwick seminary. He entered Yale college in 1842, graduating four years later. Soon after he began the study of law in the office of Hon. J. R. Whiting, of New York City, and finished his studies in the office of Hon. George A. Starkweather, in Cooperstown. He was admitted to the bar in 1849, and began practicing in Buffalo. He came west, however, the following year, arriving in St. Paul on May 12th. He continued his practice here until 1854, when he removed to Superior, Wisconsin, and for a year served as district attorney of Douglas county. He returned to St. Paul in the fall of 1855 and resumed his law practice. In April, 1857, he was appointed territorial judge for Minnesota by President Buchanan, and on May 11, of the following year,



Walter H. Sanborn

the year Minnesota was admitted to the Union, was appointed United States district judge for this state. He served continuously until the seventieth anniversary of his birthday, in May, 1896, when he resigned to take a rest from the arduous duties of his long judicial career. By reason of the great extent of his circuit, and the fact that for many years the criminal laws of the United States were almost exclusively administered by the district judges, Judge Nelson's duties were of a very laborious and complex character. But he was a hard worker and seldom took leave of his chambers. During his long career on the bench he was compelled to pass upon nearly every conceivable legal proposition; but he has had few decisions overruled, hence his high standing as a jurist. Perhaps one of his most striking characteristics was his keen instinct to grasp the merits of a proposition very quickly. His charges to the jury, too, were so clear as to leave no doubts as to facts in the case nor the law covering the case. He has enjoyed the unqualified confidence and respect of both the bar and the people of the state, and is highly esteemed in private life, not only for his eminent legal abilities, but his rare social qualities as well. In politics he has been a lifelong democrat, but has never been a strong partisan. He was honored in 1901 by being made the nominee of his party in the legislature to succeed the Hon. Knute Nelson to the United States senate. November 3, 1858, he was married to Mrs. Emma F. Wright, nee Beebee, of New York. They have had two children, Emma Beebee and Kate Russell. The latter died when eight years old.

WALTER H. SANBORN.

W. H. Sanborn, now one of the judges of the United States circuit court of appeals for the eighth judicial circuit, was born on the ancestral farm of his father, called "Sanborn's Hill," in Epsom, Merrimack county, New Hampshire, October 19, 1845. The site of his birthplace was purchased by his paternal ancestor, Eliphalet Sanborn, in 1752, has always been in the possession of some member of the family, and is now owned by the judge and his uncle, Gen. John B.

Sanborn. He is the eldest son of Henry F. and Eunice (Davis) Sanborn, and on both sides is descended from patriot soldiers of the war of the revolution and prominent characters in early New England history. His maternal great-grandfather, Thomas Davis, was with Prescott at the battle of Bunker Hill, and in 1825 heard Daniel Webster's famous speech at the dedication of the monument commemorative of the battle.

Up to young manhood Judge Sanborn worked on his father's farm in the proper seasons, and attended district schools during the winter; but, when only 16 years of age, he taught school for one term. He graduated from Dartmouth college in 1867, with the highest honors of his class, after a four years' course, having at intervals been engaged as a teacher. In June, 1893, his Alma Mater conferred upon him the degree of LL. D., having previously given him the degrees of A. B. and A. M. After his graduation he was for three years principal of the high school at Milford, N. H., meanwhile engaging his spare time in the study of law under the instruction of Hon. Bainbridge Wadleigh, subsequently United States senator from New Hampshire. In February, 1870, he resigned his position as principal of the school and, moving to St. Paul, Minnesota, continued his legal studies under his uncle, Gen. John B. Sanborn, until in February, 1871, when he was admitted to the bar in the state supreme court.

In May following his admission he formed a law partnership with his uncle, John B. Sanborn, and continued in the practice of his profession for more than twenty years, or until February 10, 1892, when he was appointed to the federal bench. As a practicing lawyer he worked diligently and faithfully, was well known and prominently identified with the profession, and attained enviable success and popularity. His argument for the defense in the Cox impeachment trial, before the state senate, in 1881, and in the United States supreme court in 1886, in *Hobbs vs. McLean*, established his reputation as a leading advocate and lawyer. It was he who argued against the constitutionality of the "dressed beef act" of the Minnesota legislature of 1889, and when the first arrest for its violation was made, he obtained a writ

of habeas corpus for the accused, and in the United States circuit and the United States supreme court argued that the law was in violation of the interstate commerce clause of the federal constitution. Both courts sustained his contention (See *In re Barber*, 39 Fed. Rep., 641; *Minnesota vs. Barber*, 136 U. S., 313), adding to his repute as a constitutional lawyer.

He was always in touch and fellowship with his brother lawyers. In 1885 he was elected treasurer of the State Bar Association, and in 1889 his brother attorneys selected him for appointment as one of the four district judges of Ramsey county, but, for reasons entirely satisfactory to him, the appointment was not made. For several years he was a member of the St. Paul city council--being first elected in 1878. A great part of his service in the council from 1885 to 1890, was rendered in establishing the present splendid system of street railways, and he was the leading member of the committees that prepared and finally passed the ordinances under which the cable and electric railways of St. Paul were built. He was active in other associations and in Free Masonry was for three terms the "E. C." of Damascus Commandery of Knights Templar, and in 1889 was elected Grand Commander of that order in the state. Always a zealous republican in politics he served as president of the Union League, chairman of conventions, etc.

February 10, 1892, he was nominated by President Harrison judge of the United States circuit court of appeals, his present position. The nomination was of course carefully considered, and March 17 following was confirmed by a unanimous vote of the senate. He came to the bench at the time of the organization and institution of the court of appeals and his judicial work has in great part been performed in that court. His success in the position was confidently predicted by those who knew him, and he has fully justified their expectations.

Many of Judge Sanborn's opinions since he has been on the bench are most important, and some of them original in authority. His opinion in one of the very first cases argued before his court--in May, 1892--that of the Omaha Bridge case, involved great interests and presented nice distinctions of law. This opinion (See 10 U. S.

App., 98; 2 C. C. A., 174; 51 Fed., 309), was exhaustive but clear, vigorous and convincing, challenging even general attention and raising its author to a high plane as a jurist. In *Barnes vs. Poirier* (27 U. S. App., 500; 12 C. C. A., 9; 64 Fed., 14) he delivered an opinion on the assignability of additional homesteads, which is quoted with approval by the United States supreme court in *Webster vs. Luther* (16 Sup. Ct. Rep., 963-6) and which seems to have settled the question. In cases involving the law of negligence, Judge Sanborn, by his careful statement of the principles, his discrimination in their application, and his free use of common sense, has delivered opinions creating new leading cases. See *Ry. Co. vs. Jarvis* (10 U. S. App., 439; 53 Fed., 65), involving the questions of defective appliances and contributory negligence. Also, *Mnfg. Co. vs. Erickson* (12 U. S. App., 260; 55 Fed., 943), which discusses with remarkable clearness the question of latent danger. Also, *Gowen vs. Harley* (12 U. S. App., 574; 56 Fed., 973), which treats of nearly every question likely to arise in a case of personal injury occurring to an employe in his employment. Also, *Coal Co. vs. Johnson* (12 U. S. App., 490; 56 Fed., 810), upon the question of vice principal and the distinctions to be made by reason of extent or grade of authority. Also, *Minneapolis vs. Lunden* (7 C. C. A., 344; 58 Fed., 525), which is a very strong case on the doctrine of "fellow servant" and its application to conditions arising from the performance of work by a municipality through its official servants. Also, *Ry. Co. vs. Elliott* (12 U. S. App., 381), in which Judge Sanborn fully defines proximate cause, as understood in law, and illumines the entire subject with clearness of statement and wealth of illustration.

Judge Sanborn has written many opinions in cases involving municipal bonds, which are considered highly authoritative. In *Ins. Co. vs. Board of Education* (27 U. S. App., 244), his opinion contains the most exhaustive review of the authorities upon the effect of the usual "recitals" in such bonds, and the most concise and complete statement of the established rules for their construction that is to be found in the books. Practically the opinion is a treatise on the

subject, and not only valuable as a decision, but highly serviceable to members of the bar and to investors in municipal securities.

The character and effect of the decisions and conveyances of the United States land department have never been so carefully considered, or so clearly stated as in Judge Sanborn's opinion (*U. S. vs. Ry. Co.*, 15 C. C. A., 96.) His opinion in *Minneapolis vs. Reum* (12 U. S. App., 446) has probably awakened more interest among the legal fraternity and created more public comment than any other similar case ever in the court of appeals. The point involved was the exclusive right and power of congress, under the constitution, to fix the rules and requirements upon which a foreign subject may become a citizen of the United States or of a state.

His practical business knowledge and experience, as well as his judicial learning, were exemplified in the management of the receiverships of the Union Pacific Railway company and its allied companies that were within the jurisdiction of the eighth circuit. He had charge of them for several years, beginning in 1894.

In *U. S. vs. Trans-Missouri association* (19 U. S. App., 36)—the leading case under the Sherman anti-trust act—Judge Sanborn wrote a remarkable opinion, holding that a certain contract among railroad companies for the formation of a freight association was legal, since the effect of the contract's operation was to lessen rather than to increase rates. His discussion of the effect of the anti-trust act upon association contracts was the most thorough ever delivered.

Many other important opinions written by Judge Sanborn might be cited, but those already given suffice to prove his great judicial ability, his profound legal learning, his eminent fairness and desire to render equal and exact justice, his splendid common sense, and the superiority of his literary style, which enables him to put his ideas in words with a clearness and felicity of expression rarely equaled.

November 10, 1874, Judge Sanborn married Emily F. Bruce, of Milford, N. H., and their family consists of two daughters, Grace and Marion, and two sons, Bruce and Henry Sanborn.

WILLIAM LOCHREN.

Judge William Lochren was born in Tyrone county, Ireland, April 3, 1832. About a year later his father died, and in 1834 his mother, with other relatives, came to the United States and located in Franklin county, Vermont. There the family lived until 1850, during which time the subject of this sketch worked upon the farm and attended the common school of the neighborhood. In the spring of 1850 he went to Auburn, Massachusetts, and entered the academy at that place; and to enable his attendance at the academy, divided his working time between farm labor and work in a sawmill. After three years of alternate work and study he returned to Vermont, began the study of law, and in June, 1856, he passed his examinations and was admitted to the bar of Vermont at St. Albans. Almost immediately thereafter he started for Minnesota, and in August, 1856, he arrived at St. Anthony, where he was engaged in the office of J. S. & D. M. Demmon for a time, and then went into the office of George E. H. Day. His first partnership was formed in the spring of 1857, with James R. Lawrence, under the name of Lawrence & Lochren. He was associated with Mr. Lawrence two years, when the partnership was dissolved, and Judge Lochren then practiced alone until 1861, when, the call for troops in what was to become the greatest war of history being made, he at once cast aside a rapidly growing business and reputation, and enlisted, April 29, 1861, as a private in Company E, First Regiment, Minnesota Volunteers—being among the very first of the state's young men to make good Alexander Ramsey's pledge to Lincoln of a regiment on call. He was made a sergeant in his company, and served with his famous regiment throughout the campaigns of 1861, 1862 and 1863. He won deserved promotion quickly, and was commissioned second lieutenant of his company September 22, 1862; first lieutenant July 3, 1863, and was detailed adjutant of the regiment for three months following the battle of Gettysburg. December 30, 1863, he resigned on a surgeon's certificate of disability. Judge Lochren's war record is an enviable one. He gained promotion in one of the great fighting



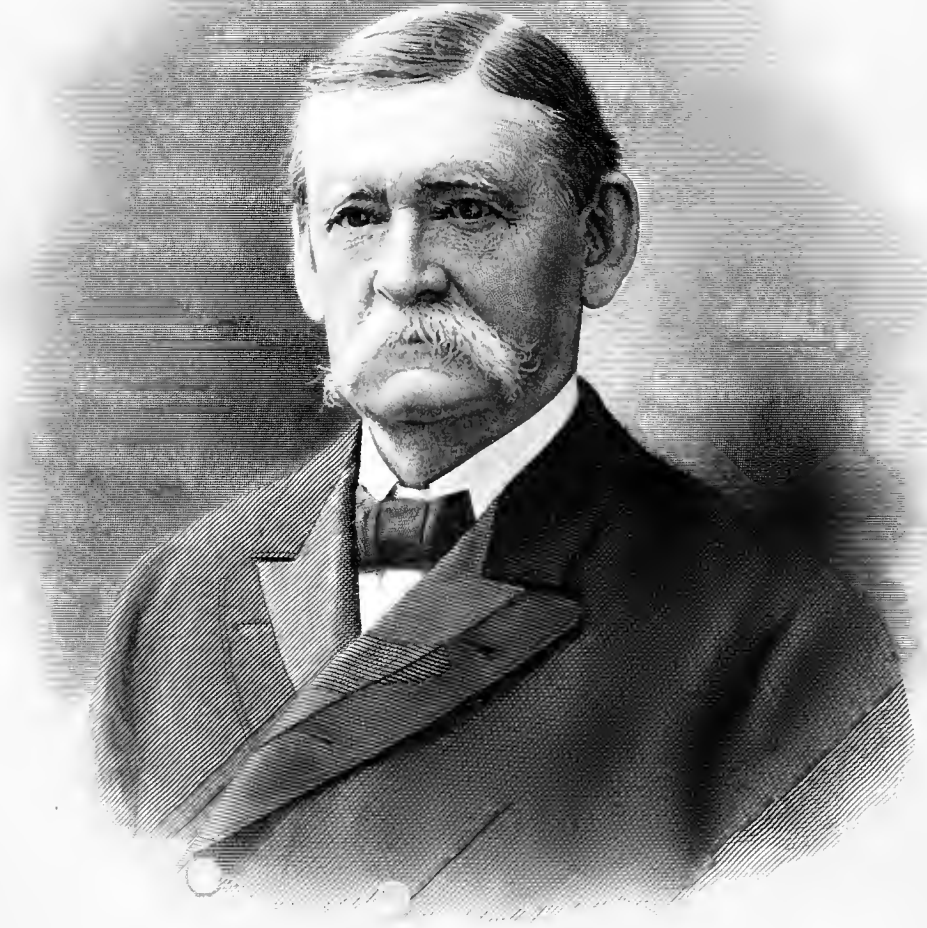
Mr. Lockien

regiments of the war, while he had neither political or personal influence to serve his interests. He participated in the memorable battles of Bull Run, Ball's Bluff, Yorktown, West Point, Fair Oaks, Peach Orchard, Savage Station, Glendale, Frazer's Farm, Malvern Hill, Malvern Hill Second, South Mountain, Antietam, Charleston, Fredericksburg, Gettysburg and the innumerable lesser affairs in which the First Minnesota was conspicuous. Upon leaving the army he returned to St. Anthony, where previous to his enlistment he had been city attorney and an alderman of the city of St. Anthony, and resumed the practice of his profession. He soon formed a partnership with Capt. O. C. Merriman, under the name of Merriman & Lochren, the partnership lasting about three years. He was again chosen city attorney of St. Anthony, and served in that capacity until St. Anthony was merged into Minneapolis. In 1868 he was elected to the state senate, and served in the legislature through 1870. In the spring of 1869 he formed a partnership with William W. McNair, and subsequently John B. Gilfillan became a member of the firm. In the meantime Judge Lochren's services were again in public demand, and he was city attorney of Minneapolis during the years 1877 and 1878. Governor Pillsbury appointed him judge of the district court of the fourth judicial district in 1881, and his administration of the position was so satisfactory to the public that in 1882 and again in 1888 he was elected for the full term of the judgeship without opposition. In April, 1893, President Cleveland offered the position of United States commissioner of pensions to Judge Lochren, which he accepted, and discharged the duties of until May 20, 1896, when he was appointed judge of the United States district court for the state of Minnesota by President Cleveland, in which position he is rounding out the years of an honorable life. Judge Lochren's political affiliations were always consistently democratic, and he was his party's candidate in Minnesota for attorney general as early as 1865, for judge of the supreme court in 1874, and for the United States senate in 1875. Upon his party's adoption of the Chicago platform in 1896 he declined to support the nominees of the convention, regarding the theories of that platform undemocratic.

He was married September 26, 1871, to Mrs. Martha A. Demmon, who died in February, 1879. April 19, 1882, he was married to Miss Mary E. Abbott. They have one son, William Loehren, who was born February 26, 1884. Judge Loehren has been a leading citizen of Minneapolis since its municipal beginning, and has won the title of its most distinguished citizen.

GREENLEAF CLARK.

Judge Greenleaf Clark, was born in Plaistow, Rockingham county, New Hampshire, August 23, 1835. He is from Puritan stock and is the son of Nathaniel (the seventh of that name in a direct line) and Betsy (Brickett) Clark. The first Nathaniel was an Englishman by birth, who settled probably in Ipswich, Massachusetts, some time during the first half of the seventeenth century, and was married on November 23, 1663, at Newbury, in the same state, where he then resided, to Elizabeth Somerby, granddaughter, on the mother's side, of Edmund Greenleaf, who was of Huguenot origin, and came to Newbury in 1635. The paternal grandfather of Judge Clark enlisted, on March 14, 1781, at the age of sixteen, in the war of the revolution. He was wounded during his service, which was continuous from the date of his enlistment to the end of the war. The subject of this sketch attended the public school of his native town, and was afterwards fitted for college at Atkinson academy, in New Hampshire. He matriculated at Dartmouth college in 1851, and received the degree of A. B. from the institution in June, 1855. Immediately afterwards he began reading law in the office of Hatch & Webster, at Portsmouth, New Hampshire, and after a short period of study there, entered the Harvard Law school, from which he obtained the degree of LL. B. in 1857. During the same year he was admitted at Boston to the Suffolk bar. In the fall of 1858 he came to St. Paul, Minnesota, where he has since resided, and engaged as a clerk in the law office of Michael E. Ames. After a brief term of service in that capacity he entered into partnership with Mr. Ames and ex-Judge Moses Sherburne, under the style of Ames, Sher-



Greenleaf Clark

burne & Clark. The firm was dissolved in 1860, and Mr. Clark became associated with Samuel R. Bond—now a lawyer of Washington, D. C.—forming the firm of Bond & Clark. This connection also was severed in 1862, when Mr. Bond left the state. Mr. Clark then conducted an individual practice until 1865, when he entered a new partnership, this time with the eminent Horace R. Bigelow. The business of the firm of Bigelow & Clark developed to a great magnitude, and in the year 1870 Charles E. Flandrau, then an ex-judge of the supreme court, became a member of it, the firm being Bigelow, Flandrau & Clark. This firm continued in business until the year 1881, when it was dissolved upon the appointment of Mr. Clark as an associate justice of the supreme court of Minnesota. He served about a year in that capacity, during which time there was argued at great length, and decided, the important case involving the constitutionality of the legislative enactments for the adjustment of the Minnesota state railroad bonds. Upon leaving the bench Judge Clark resumed the practice of the law, and in 1885 became associated in business with the late Homer G. Eller and Jared How (now of How, Taylor & Mitchell), under the firm name of Clark, Eller & How, which firm was dissolved January 1, 1888, by the permanent retirement of Judge Clark from the practice of his profession. The firms of Bigelow & Clark, and Bigelow, Flandrau & Clark, although engaged in general practice, were largely concerned in corporation business. They acted as the general counsel for the St. Paul & Pacific, and the first division of the St. Paul & Pacific railroad companies (one of the land grant systems of the state), up to the time of their re-organization—consequent upon the foreclosure of the mortgages thereon—into the St. Paul, Minneapolis & Manitoba railway company (now the Great Northern), in 1880. They also acted as the attorneys of the Minnesota Central Railway company, extending from St. Paul and Minneapolis through Minnesota and Iowa, to Prairie du Chien, Wisconsin, which had a land grant from congress; and of the St. Paul & Chicago Railway company, extending from St. Paul to La Crosse, Wisconsin, which had a swamp land grant from the state; and for the Southern Minnesota Railroad company, extending from

La Crescent to the western boundary of the state, also a congressional land grant company; all three of which afterwards became parts of the Milwaukee & St. Paul Railway system, of which organization, afterwards the Chicago, Milwaukee & St. Paul Railway company, they were also attorneys. These services embraced the periods of the construction of these lines in Minnesota, the acquisition of their right of way and terminal grounds and facilities by condemnation and otherwise, as well as the foreclosure of the St. Paul & Pacific railroad companies, and Southern Minnesota Railroad company, and their subsequent reorganization. They involved the conduct and defense of a large number of lawsuits, both in the state and federal courts, involving, among other questions, the chartered rights, powers, immunities and duties of these companies, and in the case of the first division of the St. Paul & Pacific Railroad company, its legal corporate existence, as well as their rights to land under these land grants, and the adjustment of conflicting grants with other companies. After Judge Clark's retirement from the bench he returned to general practice, and became at once engaged in the service of railroad corporations, though not the general counsel of any of them. He, and the firm of which he was the head, served, in special suits and other matters, the St. Paul & Sioux City Railroad company, the St. Paul & Duluth Railroad company, the St. Paul, Minneapolis & Manitoba Railway company, and the Great Northern Railway company. His services were largely engaged in matters connected with the organization and construction of extensions and proprietary lines and properties, the preparation of trust deeds and securities connected with the financing of the various companies, the preparation of leases and trackage, traffic, and other contracts connected with their operation and their relation to other companies, and to the purchase and consolidation of other properties. In 1879 Judge Clark was appointed a regent of the University of Minnesota, which office he has continued to hold by repeated appointments from that date to the present time. While Judge Clark's period of service on the bench was very brief, a number of his opinions delivered during that time have become leading cases and landmarks in the law.

It was a source of profound regret to all his friends, as well as a great loss to the state, that he felt compelled, by reason of the impairment of his health by his long and arduous labors in his profession, to retire from the active practice of the law when he was still in the prime of life and capable of doing his very best work.

A leading member of the Minnesota bar says:

"Judge Clark was one of the leaders of the bar; no man at the bar of the northwest excelled him in soundness of judgment, in power of analysis, in grasp of mind or clearness of statement. His forte was not erudition or technical learning; he was not what is known as a case lawyer. He had that rare legal instinct, or perception, which detects the turning point or pivotal question, discarding immaterial and collateral inquiries. This is a mark of the highest order of legal intellect, and only the experienced lawyer or judge knows how rare it is. His grasp and power of mind and patient industry brought him almost without exception to correct conclusions.

Few lawyers ever felt the responsibility of their clients' troubles more seriously than Judge Clark. This forced him to undergo an amount of labor which was unusual. He was incapable of disposing of questions lightly or easily. It was an essential part of his habit of mind to treat everything seriously and thoroughly. He was incapable of quitting a subject without digging to the bottom of it. His important railway contracts and mortgages were models, and owe their value to his having scanned and weighed their every word, as well as to his having understood thoroughly every subject with which his contract dealt. The writer of this can testify from personal knowledge that while he may have known lawyers who knew more cases or who had more showy accomplishments, he never knew one whose judgment was sounder or who was more apt to be right on a legal question, particularly on a fundamental or great question.

"But without detracting from his other eminent talents, his highest qualification to be called a great lawyer was probably his perfect honesty and love of justice. He was both intellectually and morally honest, which at once enabled him to discern what was just, and led him to do it. As law is founded on moral justice, no man can be a great lawyer without these qualities. Judge Clark possesses them to the highest degree."

ISAAC ATWATER.

Hon. Isaac Atwater, of Minneapolis, one of the first judges of the supreme court of Minnesota, and who, by his prominent connection with the legal profession, has contributed so much to the renown of the bar of the state, having been one of its ablest and most distinguished members for well-nigh half a century, was born at Homer, Cortland county, New York, May 3, 1818. His father, Ezra Atwater, was a farmer in moderate circumstances, and both he and his wife, Esther Seaming, were natives of Connecticut and were of English ancestry.

Judge Atwater was well educated, but his scholastic learning was obtained through his own exertions. He prepared for college at the Homer academy and at Cazenovia seminary and entered Yale in 1840, graduating from that historic institution in 1844. He defrayed his college expenses by his earnings as a school teacher, and for a year after his graduation he was engaged in that vocation at Macon, Georgia. Subsequently he was in attendance at the Yale law school for a year and a half, and was finally admitted to the bar in New York City in 1847. He began the practice in the metropolis and was successful from the first. He was for three years a member of the New York City bar, and in the meantime, in 1849, he was married to Permelia A. Sanborn, of Geddes, New York.

In 1850 he came to Minnesota and located at St. Anthony Falls, now the principal portion of Minneapolis lying east of the river. His health had become impaired in New York and his physician had advised his removal to a more favorable climate, and he chose the salubrious natural conditions of Minnesota, then a newly-created territory. For a year after his arrival in Minnesota he was associated in practice with John W. North, the founder of the town of Northfield and subsequently better known perhaps as a railroad promoter and builder than as a lawyer; but in 1851 Mr. Atwater opened an office and continued the practice by himself. He was soon well established. He became the editor of a pioneer weekly newspaper,

the St. Anthony Express, and made a deserved reputation as a writer. In 1851 he was appointed by the territorial legislature one of the regents of the university, and was the secretary of the board for six years. In 1853 he was elected county attorney of Hennepin county, and the same year was appointed by Governor Gorman reporter of the territorial supreme court. He continued in the practice and grew rapidly but substantially in reputation as an able lawyer.

In 1857 he was elected associate justice of the supreme court, and upon the admission of Minnesota into the union in May, 1858, this became the first supreme court of the state. He served on the supreme bench for six years, or until in 1864, when he resigned. His duties in the position were congenial to him, he had served with marked ability and was adding largely to his reputation, but there was a practical reason for his resignation, and this was that the young state was poor and bearing extraordinary burdens because of the war of the rebellion, then in progress, and his salary was so small as to be practically inadequate to his personal needs. He was compelled to leave the bench and resume practice; and to follow the latter course successfully it was, under the conditions then prevalent, necessary to leave Minnesota for a time.

So, in the spring of 1864, in company with his former associate on the bench, Judge Chas. E. Flandrau, who had also resigned, Judge Atwater removed to the then Territory of Nevada, and located with Judge Flandrau at Carson City. He remained in that city until in the fall of 1866, when he returned to Minneapolis and again resumed practice in partnership with Judge Flandrau. The partnership between these two able jurists and great lawyers was always a pleasant and enjoyable association, for they have always been in sympathy on almost every subject, and between them there has ever been the friendship of David and Jonathan. But in 1871, owing to Judge Flandrau's removal to St. Paul, this partnership was dissolved, and thereafter Judge Atwater was alone in his profession, or associated with others, up to 1886, since which year his time has been taken up with his private business.

While in active service at the bar, Judge Atwater was noted for his ability to see the vital points of a case, and his efficiency in seizing and mastering them. He studiously disregarded irrelevant matters and did not seek to win by impassioned appeals to the jury or sensational or theatrical displays of any sort. He was hardly ever brilliant as an advocate, but was always earnest and dignified and withal serious, and so was effective. Also on the bench he was quick to discern the real issues, and his opinions were confined solely to their discussions and were always exhaustive of the subjects. He wrote them from a thorough knowledge of the law and the principles involved, and in correct literary style, of which he was a master, and they are models of clearness and precision.

Judge Atwater was not only able as a lawyer and a judge, but he has been successful as a business man. By wise investments in Minneapolis real estate and prudent conduct of his interests he has secured a competence of the world's goods, which he sensibly enjoys. He has always taken an interest in the affairs of his adopted city and state. He has been an alderman in Minneapolis, was for several years a member of the school board and president of the board of education, and for a considerable time president of the Minneapolis Board of Trade. He has also been trustee of Seabury college and has held other positions of trust and responsibility. As has been stated, he was as early as 1851-52 editor of a newspaper, and at intervals has been a frequent contributor to the public press and standard magazines. He edited the History of Minneapolis, a voluminous work and a valuable contribution to history, published in 1892. He is a member of the Episcopal church and has been a member of the Masonic fraternity since 1851, when he joined Cataract lodge, No. 2, of St. Anthony, the second lodge of the order organized in Minnesota. Politically he is and has always been a Jeffersonian democrat.

Of Judge Atwater's marriage there were born four children, only one of whom is now living, John B. Atwater, a prominent lawyer of Minneapolis. Although well past his eighty-fourth year, Judge

Atwater is remarkably well preserved physically, and mentally he is as strong apparently as when in the prime of his health and vigorous manhood. The services which he has rendered Minnesota may be appreciated, but they cannot be estimated. He is passing the evening of his life as he has spent all his days, sensibly and in right living, and he has in plenitude

"That which should accompany old age,
As honor, love, obedience, troops of friends."

IGNATIUS DONNELLY.

Ignatius Donnelly was born in Philadelphia, Pennsylvania, in 1831. His father, Dr. Philip Carroll Donnelly, was an eminent physician of the Quaker City, though a native of Ireland.

Ignatius Donnelly was educated in the public schools and graduated from the Philadelphia high school in 1849. Soon after he entered the office of Hon. Benj. H. Brewster, later attorney general of the United States, and took up the study of law. He was admitted to the bar in 1853, and at once entered active practice.

In the spring of 1856 he came west, and after visiting many places of importance, located in St. Paul. His first business venture after coming to Minnesota was the purchase of six hundred acres of land in Dakota county, in connection with John Nininger. He laid out the town of Nininger, but about this time the panic of 1857 swept over the country and the town collapsed under the heavy financial pressure. It was in this year that Mr. Donnelly laid the foundation of his political career in the North Star State. He was nominated for state senator by the republicans of his county, but was defeated. The following year he was renominated for the same office, and was again defeated by only six votes.

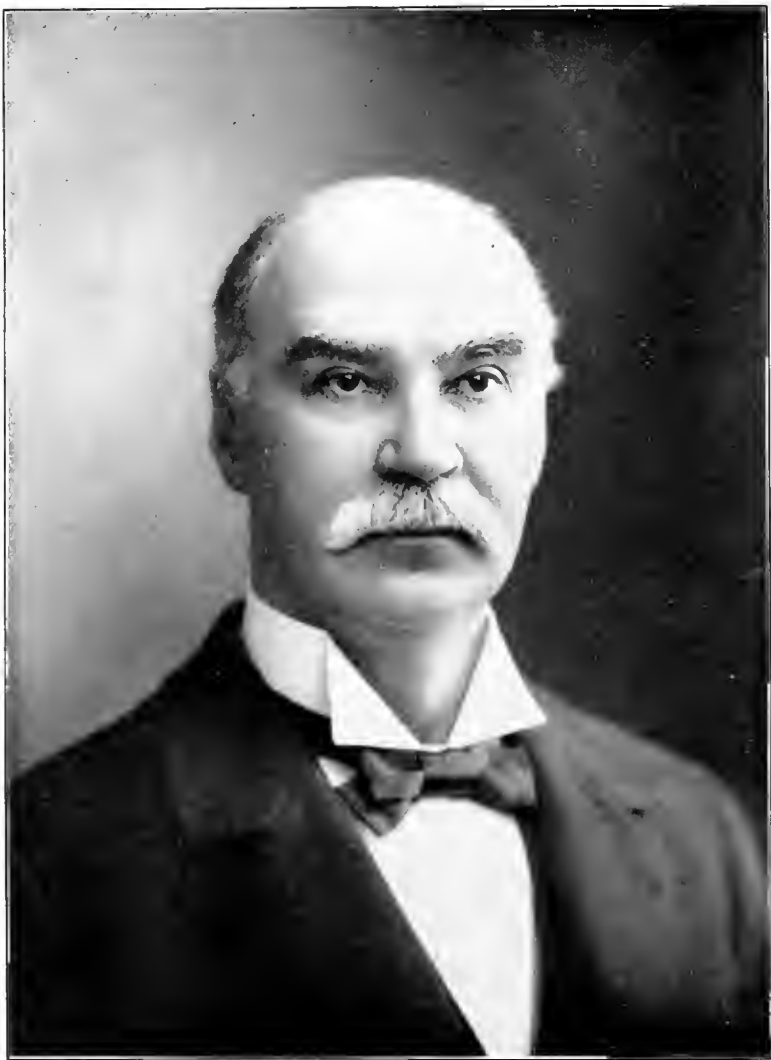
In November, 1858, he resumed the practice of law, and shortly after formed a partnership with Archibald M. Hayes and Orin T. Hayes, under the firm name of Hayes, Donnelly & Hayes.

On June 20, 1859, Mr. Donnelly's name was presented for nomination as lieutenant governor before the republican convention. On the third ballot he was nominated, and was probably one of the youngest men ever placed in this position, as he was but twenty-eight years of age. The campaign was a most active one, and Mr. Donnelly stumped the state most effectively, and for the first time the republican party carried Minnesota. It was during his service as lieutenant governor that Mr. Donnelly had the opportunity of issuing a proclamation, as acting governor, calling for volunteers, in response to President Lincoln's call. In 1861 he was renominated and re-elected lieutenant governor by a large majority, and in 1862 was nominated for congress without opposition. In the election that followed Mr. Donnelly had about 1,200 majority, and took his seat in December, 1863, as a member of the thirty-eighth congress, and in 1866 he was re-elected over Col. William Colville, a strong democrat, by a majority of over four thousand votes. This was his last term in congress, and it was during this term that the famous conflict with Elihu Washburn took place. This contest with a powerful man, backed by a still more powerful circle of political friends, made Mr. Donnelly famous, and his speeches in congress attracted national attention. In 1869 he became a candidate for United States senator, but Governor Ramsey secured the nomination after a hot political battle. He continued to affiliate with the republican party until 1870, when, at the written solicitation of almost four thousand republicans, he consented to run for congress on a low tariff platform, at the same time receiving the endorsement of the democrats.

He was one of the most prominent promoters of the farmers' alliance, and was closely identified with that organization as long as it remained a force in politics. After the people's party was organized he allied himself with that party, and was identified with the national organization. For more than twenty years prior to his death he served a number of terms in the state senate and house of representatives.

Mr. Donnelly was a man of literary attainments, and contributed to many leading magazines as well as the daily press. He also did a

THE
NEW YORK
PUBLIC LIBRARY
ASTOR LENOX AND TILDEN
FOUNDATIONS
1908



A. T. Anthony

great deal of editorial work, and during the winter of 1880-81 he wrote his first book, "Atlantis," which received very extended notice and was reprinted in England and translated and published in French and German and many other different languages. "Ragnarok" followed, and achieved almost as wide reputation as its predecessor. However, his greatest literary achievement was the "Great Cryptogram," in which he endeavored to establish Bacon's authorship of Shakespeare's plays. In 1889 he wrote "Caesar's Column," which received equally as favorable notice as any of his former works. Later he published "Dr. Huguet" and the "Golden Bottle."

Few men left a stronger imprint of their character than did Mr. Donnelly. It was a most extraordinary combination of fierce determination, amiability and magnanimity. His command of language, oratorical powers and ready wit contributed to his popularity throughout the nation.

ALEXANDER T. ANKENY.

Alexander Thompson Ankeny, of the Minneapolis bar, is of German and French extraction on his father's side, while his maternal ancestry was English and Scotch. His parents were Isaac and Eleanor (Parker) Ankeny.

Alexander T. Ankeny was born at Somerset, Pennsylvania, December 27, 1837. His early education was obtained in his native town and on the death of his father, in 1853, he was sent to the Disciples' college, at Hiram, Ohio, where President Garfield was then a student and instructor. In 1856 he attended the Monongalia Academy at Morgantown, W. Va., then under the direction of Rev. J. R. Moore. The late Judge William Mitchell of Minnesota was then one of the instructors. From 1857 to 1858 he attended Jefferson College, Canonsburg, Pennsylvania, when he was offered a position in the department of justice at Washington, by Hon. Jeremiah S. Black, the attorney general of the United States. He remained until the close of Mr. Buchanan's administration, having in the meantime prepared

himself for the practice of law. In April, 1861, he was admitted to the bar in his native town, and on the day Fort Sumter was fired upon, tried and won his first case. On July 4, 1861, Mr. Ankeny delivered an address at Somerset which attracted no little attention, foreshadowing the severity of the struggle and its ultimate outcome. When in the department of justice, Edwin M. Stanton was connected with that department, and in February, 1862, Mr. Stanton invited him to a position in the war department which he filled with honor until the close of the war. He sustained a confidential relation to "the great war secretary" and had a knowledge of most of the important movements in advance of their execution. In April, 1865, he returned to the practice of law at Somerset, where he was also connected with a private bank. He was one of the promoters and treasurer of the first railroad to Somerset.

In 1872, he removed with his family to Minneapolis, where, in partnership with his brother, William P. Ankeny, he engaged in the lumber business. This firm built the Galaxy Flouring mill in 1874. On the death of his brother in 1877, he closed up the business of his firm and resumed the practice of law. Mr. Ankeny has been an active and public spirited citizen of Minneapolis, interested in every undertaking for the moral, intellectual and material betterment of the city. In 1877 he was a member of the board of education for the western division of the city, and in the following year was one of the committee of ten who formulated the plan for the complete union of the two divisions. He served from 1878 to 1882 on the State Board of Equalization of Taxes. In 1886 he was again elected a member of the Minneapolis board of education, re-elected on both tickets in 1889, and in 1890 was made president of the board and ex-officio member of the library board, which position he held until January 1, 1895.

Mr. Ankeny is a democrat and has always exerted a large influence in the councils of his party. In 1886-7 he was president of the Algonquin Democratic club, of Minneapolis, and from 1886 to 1888 was a member of the state democratic central committee. In 1888 he was appointed on the executive committee of the National association of

democratic clubs, and held that position until 1894. In 1886 he incorporated in the state democratic platform a recommendation for the adoption of the Australian system of voting, being the first public recognition of the system in this country and which is now used in nearly all the states.

Probably in no part of his public services, however, has he taken more satisfaction than in his work on the school board, where he proved a faithful and invaluable officer. He was active in the passage of the free text book law of Minnesota, and in placing the system in successful operation in Minneapolis. Some of Mr. Ankeny's addresses on public education are among the best contributions to the literature of that subject. He was one of the incorporators of the Masonic Temple association and a member of the building committee which erected the Masonic Temple. For several years he was vice president of its board of directors, and on the death of R. B. Langon, was elected president of the board. This temple, the south side high school building, the Van Cleve and Douglas school buildings, as well as the north side public library building, testify to his high conception of what such public structures should be, whilst the economy practiced in construction is a witness to his integrity and fidelity.

Mr. Ankeny is a lawyer of high standing and was made the democratic candidate for municipal judge in 1885 and for district judge in 1890, but was not elected. In 1896 he received the fusion nomination for mayor on the democratic-populist ticket, but owing to the city being overwhelmingly republican he was defeated.

In the gubernatorial campaign of 1898, which resulted in the election of a democratic governor, Mr. Ankeny was credited with having practically directed the campaign. He prepared the platform which fixed the issues and brought success. In February, 1899, he was appointed one of the directors of the state normal board and has ever since been its president. He was a member of the charter commission which prepared for the city of Minneapolis the charter submitted to vote in 1900, but not adopted.

His family are active supporters of the Portland Avenue Church of Christ of Minneapolis. On May 1, 1861, he was married to Miss Martha V. Moore, daughter of John Moore of Wheeling, W. Va. They have a family of five children, all of whom are grown, the oldest daughter, Mrs. McKusick, having died at Duluth in February, 1900.

GEORGE WASHINGTON BATCHELDER.

George Washington Batchelder, pioneer and prominent lawyer of Faribault, was born at Danville, Caledonia county, Vermont, February 18, 1826. He is of Puritan extraction, the son of John and Alice (Kittridge) Batchelder, both parents being natives of New England colonial ancestry. His grandfather, Jethro Batchelder, was a revolutionary soldier, who resided at Portsmouth, New Hampshire, in early life, and settled in Danville, Vermont, in 1797. He was one of the pioneers in that town, where he died at the age of ninety-three years. His wife, who was Dorothy Mighals, died two years later, at the same age. This branch of the Batchelder family descended from Rev. Stephen Batchelder, who settled in New Hampshire in early colonial times.

John Batchelder, the father of our subject, died in Danville, Vermont, in 1845, and Mrs. Batchelder died May 11, 1879, at the age of ninety-five years. George W. Batchelder, in early life, attended the common schools near his home, and prepared for college at Philip's academy at Danville. He entered the University of Vermont in 1847 and graduated in 1851, receiving the degree of A. B., and afterwards that of A. M. During his college course he taught school during vacations to defray his expenses, and upon graduation took charge of the graded schools at Windsor, Vermont. After one year at Windsor he went south and taught for one year in the academy at Tazewell, East Tennessee, and for another year he taught the McMinn academy at Rogersville, East Tennessee. During all this time Mr. Batchelder was reading law, and in 1854 was admitted to the bar of Hawkins county, Tennessee, and soon after returned to Vermont. The following

year he came west and located first at Janesville, Wisconsin, where he practiced law for about one year. He then removed to the territory of Minnesota, and in May, 1855, settled at Faribault. Since then he has been in the constant practice of his profession. His first law partner was the Hon. John M. Berry, late justice of the supreme court of Minnesota. In the autumn of 1857, when Mr. Berry took his seat on the bench, the partnership was dissolved, and Mr. Batchelder became a partner of Hon. Thomas S. Buckham, now judge of the fifth judicial district of Minnesota, which partnership continued until 1880. He has now associated with him in the practice his son, Charles S., under the firm name of Batchelder & Batchelder. Mr. Batchelder has been frequently honored by his fellow citizens with nomination and election to public office. He was the democratic candidate for congress in 1868 for the southern district of the state, but was defeated with his party. In 1871 and 1872 he served as state senator; was mayor of the city of Faribault in 1880 and 1881, and in 1888 was the nominee of his party for justice of the supreme court. Mr. Batchelder was for fifteen years chairman of the city board of education, and has been for upwards of fifteen years president of the Rice County Bar Association, and has always taken a prominent and active part in public affairs. He has been a director of the First National Bank of Faribault for seventeen years, and was for many years a director of the Austin National bank. He is a Royal Arch Mason, and when in college was a member of the Sigma Phi society, and afterwards became a member of the Phi Beta Kappa society of the University of Vermont, and with his family attends the Congregational church. Mr. Batchelder was married, July 12, 1858, to Miss Kate E. Davis, daughter of Cornelius Davis, of Fond du Lac, Wisconsin. They have three children, a daughter, Georgia L., and two sons, Charles S., in business with his father, and John D., who was also admitted to the bar.

CHAPTER II.

LAWYERS REPRESENTING MINNESOTA IN THE NATIONAL LEGISLATURE.

KNUTE NELSON.

Hon. Knute Nelson, United States senator from Minnesota, and ex-governor of the state, was born at Voss, Norway, February 2, 1843. His life has been an exceptionally eventful one, and furnishes material worthy of more comprehensive and dramatic treatment than the scope of this work permits. We can but sketch it in outline, leaving it to be filled in by the imagination of the reader. The home of his birth and earliest years was located in a rugged, picturesque spot on the western coast of Norway, near the city of Bergen. Here his ancestors, thrifty agricultural people, had dwelt and toiled for generations. Of this home, however, our subject can have retained but a shadowy remembrance, his mother having brought him to this country when he was only six years of age. His father had died earlier, happily for the child before he had come to realize and depend upon the paternal love and guidance, of which he would be henceforth bereft. Crossing to America, mother and son made their way to Chicago, arriving, as it chanced, at a most unfortunate time. It was midsummer of the year 1849, when the epidemic of cholera was devastating the city. Little Knute fell a victim to the dread disease, but his constitution, hardy with the invigorating breezes of his native hills withstood its ravages. In the autumn of 1850 his mother removed with him to Walworth county, Wisconsin, and thence in a short time to Dane county, where she made her home and where Knute grew up. The restricted means of Mrs. Nelson made the education of her boy a problem, which, however, was half solved by his aptness and ambition. There are few boys who have an earnest desire and determination to become educated

but will find the means to that end; and often their education is a better one, containing a larger element of the practical knowledge which results from broad thought and observation, than that of the more pecunious and thoroughly schooled youth. After wrestling with many obstacles Knute was able, at the age of fifteen, to enter Albion academy; but three years later, and before the end of his course, the rebellion came on, and young Nelson, together with several of his fellow students, abandoned his books and took up arms for his country, enlisting in the Fourth Wisconsin Infantry. This was in May, 1861, and he served with his regiment, as a private and non-commissioned officer, until the autumn of 1864, and during those years saw all the hardships, perils and horrors of civil warfare. He assisted at the capture of New Orleans, participated in the siege of Vicksburg, fought at Baton Rouge and Camp Bismarck; was also one of the besieging force at Point Hudson, Louisiana, in 1863, and in the famous charge of June 14, he was wounded, captured and retained as a prisoner, being released at the time when the fort surrendered. When the war was over Mr. Nelson returned to Wisconsin and completed his academic course at Albion. Soon after graduating he began reading law in the office of Senator William F. Vilas, at Madison, Wisconsin, and in the spring of 1867 was admitted to the bar. He commenced practice without delay, and soon gained a foothold in the profession, as also in public affairs. He served as a member of the state assembly during the terms of 1868 and 1869, being honored with a re-election to that body. Upon the expiration of his second term he came to Minnesota, locating in Douglas county. In this region he naturally felt a home atmosphere, for the population of Douglas county, and, indeed, of the whole northwestern section of the state, contained a large constituency of Norwegian and Swedish people. He selected a tract of land by United States homestead in the outskirts of Alexandria, and, laying out a farm, entered upon the double role of farmer and attorney-at-law. Nature had designed him for a leader, and he soon found his place in the vanguard of local affairs. He was inspired by a double patriotism, and labored at once to promote the welfare of his fellow countrymen

and that of the state where he and they had cast their lot. From 1872 to 1874, inclusive, he served as county attorney for Douglas county, and from 1875 to 1878, inclusive, as state senator from the Thirty-ninth legislative district. His influence and popularity grew apace, and in the presidential campaign of 1880 his name appeared on the Garfield electoral ticket. From February 1, 1882, to January 1, 1893, he served the state university as a member of its board of regents. In 1882 the republicans of the then fifth congressional district of Minnesota nominated Mr. Nelson for congress, and after an exceedingly fierce contest his election was secured by a plurality of 4,500 votes. In 1884 he was re-elected, this time by a plurality of above 10,000 votes, and in 1886 ran successfully for a third term, receiving a ballot of 43,937, as against 1,239 votes cast for his single antagonist, a prohibition candidate. In congress Mr. Nelson's attitude was aggressive and self-reliant, and made him respected as a strong and progressive member, even by those whose views differed from his. Largely through his instrumentality bills were passed to open up reservations, which definitely solved the Indian problem in Minnesota. As an enthusiastic advocate of tariff on various articles, he even exerted his influence to secure the passage of the Mills bill. Radical though he was, however, he inspired the general confidence, and his renomination in 1888 was regarded as a foregone conclusion. But he declined to run for a fourth term, and on the expiration of his duties at Washington he returned to Alexandria and resumed his private legal practice and his farming. So retired a life was not long to be permitted him, however. The public had tested his official work and demanded its continuance. In 1892 his party unanimously nominated him for governor of Minnesota, and his election duly followed by a plurality of 14,620 votes. Two years later a plurality of 60,000 emphasized his re-election, but a still higher honor awaited him. His second term as governor had scarcely begun when he was elected United States senator, and he resigned the lesser office to enter the greater, in which he is still serving in a manner which redounds to his credit and the good of his country. Mr. Nelson's experience corroborates the familiar saying

that "there is always room at the top." He is made of the stuff that is needed in the high places of the earth, and is drawn as by unseen forces, even from the depths of poverty and obscurity, to fill such places. There is not only an opportunity in America for young men of the stamina of Knute Nelson—there is an imperative demand for them. Mr. Nelson is married and has two children, one son and one daughter.

MOSES E. CLAPP.

Moses E. Clapp, United States senator, was born in Delphi, Carroll county, Indiana, May 21, 1851. His father, Harvey S. Clapp, was of New England parentage. He settled in Indiana in 1849, but later removed to Wisconsin, where he passed a greater part of his life, and died there in 1889. He married Jane Van Dercook, a native of Ohio, but of New York parents and Knickerbocker ancestry.

Moses E. Clapp studied law in the University of Wisconsin and began practice in 1873 at Hudson, Wisconsin. In 1882 he moved to Fergus Falls, Minnesota, where he soon became prominent, not only in his profession, but as an advocate of the principles of the republican party, and one of its leaders in northern Minnesota. In 1886 he was the republican candidate for attorney general, and took a very active part in the campaign. He was renominated and re-elected in 1888, and again in 1890. Upon retiring from the attorney general's office in 1893 he resumed private practice, taking up his residence in St. Paul, forming a partnership with Newell H. Clapp and A. E. Macartney, under the firm name of Clapp & Macartney.

After the death of Senator Cushman K. Davis General Clapp was appointed to fill out his unexpired term in that national body, and his conduct was such that in 1903 he was returned to the senate, much to the satisfaction of the citizens of his adopted state.

His opinions while attorney general read like judicial decisions, and had the same respect and practically the same authority among lawyers generally.

General Clapp was married in 1874 to Miss Hattie Allen, of St. Croix, Wisconsin.

FREDERICK CLEMENT STEVENS.

Frederick Clement Stevens has been a resident of Minnesota less than twenty years, yet of that time he has served the people of the commonwealth four years as a member of the state legislature and more than five years as the representative in congress from the Fourth congressional district. Mr. Stevens is a native of Maine by heredity, but is a Bostonian in fact, his father, Dr. John Stevens, of Bangor, Maine, having taken family domicile in Boston previous to Mr. Stevens' birth, which occurred January 1, 1861.

His education began in the district school at Searsport, Maine, and was continued at the Rockland high school, from whence he was graduated in 1877. He entered Bowdoin college in 1878, and was graduated with the class of 1881. Mr. Stevens then began the study of law in the office of Hon. A. W. Paine, of Bangor, and completed the preparations for his profession by taking a course at the State University of Iowa, graduating from the law department of that institution in 1884.

In the same year he came to St. Paul and made Merriam Park his home. There he met Miss Ellen J. Fargo, to whom he was married in 1889.

Mr. Stevens' political success is attributed, by those who best know and appreciate his character, to a remarkable quietness of demeanor and conservatism of action, backed by a determination that enforces any result he desires to achieve with the least possible opposition. His work upon various republican committees gives evidence that he is one of the most capable and astute political managers in the state. The late Thos. B. Reed was a sincere friend of Mr. Stevens, and no doubt materially aided the member from St. Paul in quickly gaining unusual influence in government circles. Mr. Stevens is recognized as a conservative counselor in his profession.

He has achieved during the past session of congress a position of influence at least equal to that of any member who has ever represented Minnesota in the national legislature.

Mr. Stevens' latest efforts towards securing reciprocal trade relations between the United States and Canada are meeting with the enthusiastic commendations, not alone of his personal constituents and the people of the state of Minnesota, but also of citizens generally throughout the northwest. He stands at this time the recognized champion of the best interests of the upper Mississippi river valley; and as such doubtless has a long and influential political life before him.

JOHN LIND.

John Lind presents one of the most forcible illustrations in American history of the value of a government of the people as a factor in human progress.

Of foreign birth, and thirteen years of age before he came to the United States, suffering a severe accident by which he lost a hand while at manual labor as a mere boy, yet at the age of thirty-two years he became a member of the congress of the United States, and the governor of a great state at the age of forty-five; and his elevation to so honored a position was in opposition to the political work of the dominant party, indicating a personal regard on the part of the general public that is a most distinguished honor to its recipient.

After his term of governor had expired he was called to further public service and is again a member of the national legislature, having been chosen by the people of Minneapolis, regardless of party influences, to represent their district in congress.

Governor Lind was born at Kanna, Province of Smaland, Sweden, March 25, 1854. His parents were Gustav and Catherine (Johnson) Lind. His father was a farmer, but filled various local offices in the community in which he lived.

The family emigrated to the United States in 1867, came to Minnesota, and settled in Goodhue county.

Governor Lind was thirteen years old at the time of the family's locating in Goodhue county, began work in a saw mill and there lost his left hand, yet at the age of sixteen he was granted a certificate en-

titling him to teach in the public schools—a record which of itself is an object lesson every foreign-born lad should be proud of. He taught school one year in Sibley county and then moved to New Ulm. He worked hard, studied to the limit of time and capacity, exercised the closest economy, and was able to enter the University of Minnesota in 1875. He continued his studies there through 1876, and by that time he was able to pass the examinations admitting him to the bar of Minnesota in 1877. He was chosen superintendent of county schools and served two years while still attending to his practice. In 1881 President Garfield appointed him receiver of the United States land office at Tracy, Minnesota. In 1886 he was nominated by the republicans of the second congressional district for representative, and was elected. He was re-elected in 1888. He took special interest in Indian affairs in Minnesota and succeeded in having government schools for their benefit established—again indicating his loyalty to the advancement of education along all desirable lines. In 1890 Mr. Lind was re-elected to congress for the third time, and he had become a leader in every reform and measure of public importance. In 1892 he resolutely refused to serve longer in congress and declined re-nomination. In 1893 he was appointed a regent of the University of Minnesota. Mr. Lind, with that enthusiasm which has characterized his life, became convinced that the financial ideas of the democratic and people's parties were sound, and he became the nominee of those parties for governor in 1896. Even then his popularity forced him within three thousand votes of election. In the spring of 1899 he tendered his services to Governor Clough to act in any capacity to which he might be assigned in the war which had been declared against Spain, and Mr. Lind was at once commissioned regimental quartermaster of the Twelfth Minnesota Volunteers, with the rank of first lieutenant. While with his regiment the combined democratic, people's and silver-republican parties nominated him for governor. He returned from the south with his regiment in time to make but a hurried political campaign, but it was sufficient to elect him.



H. Steenerson

Governor Lind was married in 1879 to Alice A. Shepard of Blue Earth county, and three children have been born to them: Norman, Jenny and Winfred.

Still young, energetic and popular, the remarkable career of John Lind may yet be enhanced.

HALVOR STEENERSON.

Hon. Halvor Steenerson, representative in congress from the ninth Minnesota district, is one of the very best illustrations of what individual character, energy and integrity may accomplish in the United States without the aid of influential birthright or wealth. Mr. Steenerson's parents emigrated from Norway in 1851, and settled in Dane county, Wisconsin. There he was born in 1852, and the next year the family moved to Houston county, Minnesota, where the boyhood days of Mr. Steenerson were passed. He attended the common schools and the high school at Rushford, and then began the reading of law in an office at Austin. Then he entered the Union College of Law at Chicago, and was admitted to the bar in the supreme court of Illinois in 1878. He then began the practice of his profession in Fillmore county, Minnesota, where his success was immediate and pronounced. In 1880 Mr. Steenerson made Crookston his permanent home, where he now resides, its most prominent citizen.

Hon. Halvor Steenerson has made one of the most enviable records of any citizen of Minnesota. His services to the general public cannot be enumerated in this brief sketch, but that the people are appreciative of the good he has accomplished is indicated by the overwhelming vote of nearly two to one, over two rival candidates, by which he was chosen to represent his district in the national congress. His public career has been one of continued success and advancement. Very soon after he located at Crookston he was elected county attorney of Polk county, and in 1883 he was sent to the state senate. Upon two occasions he has represented Minnesota in republican national conventions, and has always been in demand locally to serve upon boards of education, etc.

Mr. Steenerson early maintained the right of a state to regulate its common carriers by specific legislation, and it was through his initiative that the principle was established. In 1893 he instituted on behalf of farmers the celebrated "Steenerson Grain Rate" case against the Great Northern Railway Company, and fought the case successfully before the railway and warehouse commission and, in connection with the attorney general, through the supreme court, against the ablest attorneys the corporation could employ. Mr. Steenerson has always championed the cause of the people, and for his invaluable services in the case against the Great Northern he would not accept a fee. In fact, his enviable reputation in his profession is largely due to the legal battles he has fought and won in behalf of the people of his state. He has been the originator of, or prominently identified with, much of the most important legislation of Minnesota, and has led too busy and strenuous a life to have time for political preferment—the honors that have been accorded him having originated spontaneously with the people.

In personal appearance Mr. Steenerson is a splendid specimen of manhood, standing six feet and three inches in height and proportioned accordingly. His friends, meaning all the people of Minnesota, will continue to demand his services in state and national affairs, knowing that he is the earnest and capable champion of the rights and welfare of the majority as against the powers of aggregated capital.

JAMES A. TAWNEY.

The career of Hon. James A. Tawney, of Winona, Minnesota, is of more than ordinary biographical interest. It is a forcible illustration of the value of diligent and persevering mental application impelled by a determination to succeed. It shows also the value of a correct understanding of the experiences of the great mass of people, who toil on farms and in shops and factories, and an intelligent sympathy with them. John Tawney, the great-grandfather of James, moved over from Maryland and settled on a farm in the vicinity of Gettys-



James A. Farney



burg, Pennsylvania, in the latter half of the eighteenth century. He is described as a man of upright character and above the ordinary in mental capacity. But, dying in middle life, he left his widow with a large family, in the care of which the estate was consumed. Abraham, one of the youngest sons, became a blacksmith, and located on a farm near by, where he established a shop, which was a feature of the neighborhood for more than half a century. He was known as a man of great strength of will, sound understanding and honesty. His wife possessed such excellent qualities of mind and character as drew to her the personal esteem and affection of all who knew her. Their oldest son was John E., the father of James A. He also became a blacksmith, and succeeded his father in the possession of the shop and the farm. His mental and moral qualities needed only proper development to raise him to prominence. Even with his lack of other opportunities, by reading, observation and study his mind became well informed. He took an active interest in all public questions, especially those relating to politics, morality and religion. He was a fluent writer and a forcible speaker in the country debating clubs and other gatherings. He married a neighbor's daughter, Miss Sarah Boblitz, an excellent young woman of bright intellect and a positive and forceful nature. James A. was born January 3, 1855. The traditions of his schoolboy days have in them much more of boyish pranks than of study. He seems to have been a robust, jolly, fun-loving youth, who had little use for anything taught in the schools except geography. He, too, became a blacksmith, and later a machinist. In the summer of 1877 he came west, looking for work on the way. On the first day of August he landed at Winona, Minnesota, where he secured a good situation as a machinist, and there he has remained. His new surroundings in this bright, active, hustling little city served as an inspiration. They appealed to his native ambition, which, through talent, came into prompt activity. He resolved to make the best of his opportunities. He put himself in the way of good society. He attracted the notice of the judge of the district court—later and for many years on the supreme bench—who gave him much encourage-

ment. A good voice and a great fondness for music soon got him into church choirs and other musical organizations. He became connected with an amateur dramatic club, and his acting on the stage attracted so much attention that he was urged to follow the stage as a profession. But his interest had already been awakened in the study of law, and he refused to be diverted from it. At night, when others were asleep, he was at his studies. Not only the law, but the various branches of an English education, were steadily pursued. Thus he spent six years, working during the day and studying at night, often until long past midnight. Finally, quitting the shop, he entered the law office of Bentley & Vance, a prominent law firm of Winona, and was admitted to the bar at Winona July 10, 1882. After this he attended the law school of the University of Wisconsin, until the death of Mr. Bentley, March 10, 1883. Mr. Bentley's death left him in possession of a large business. This was his great good fortune. Unlike most young attorneys, he was not obliged to wait for business to come. It was already there. The question was, "Can he handle it? Will he prove equal to the opportunity?" He did; but it was by the most intense and trying application. From this on his progress in the profession was both rapid and solid. He studied his cases. All his powers of insight and analysis were brought to bear on each one. He studied his books. He made sure of his ground; there was no guesswork about it. And the result was that his success at the bar was, to say the least, very gratifying to himself and his friends. From the first he had a comfortable income. But in a comparatively short time he rose to a higher and more lucrative grade of practice. His services began to be sought by people having large business interests and large amounts in litigation; and his income became correspondingly large. Few young men of this northwestern country had a brighter or more promising outlook before them, as lawyers, than he had when first nominated to congress in 1892. Meanwhile, in 1883, he was elected judge advocate of the Second Minnesota National Guards, and served in that capacity until January, 1891, when he was made judge advocate general on the staff of Governor Merriam. In the fall of 1890 he was

elected state senator, notwithstanding a large democratic majority in his senatorial district. It was largely the vote of the farmers and other laboring people that did it. They had known him as a fellow laborer, and he had never ceased to recognize them with the old familiarity. To them he was still "Jim Tawney," and for "Jim" they voted. In the senate he was a member of the judiciary committee, and took a leading part in the legislation of that body. For three years—from 1888 to 1891—he was vice president of the state republican league, and later served for several years on the state central committee. He was elected to the fifty-third congress in the fall of 1892, to succeed the Hon. W. H. Harries, a democrat. Being in the minority and a new member, his opportunities in that congress were limited. His first speech as a member of that body was against the repeal of the federal elections law. He made several speeches against the Wilson-Gorman tariff law. But his most effective work was in connection with the pension legislation of that congress, by which a ruling was secured upon a house resolution of his that affected some ten thousand pensioners, and led to the disbursement of not less than \$1,000,000. He was re-elected to the fifty-fourth, fifty-fifth, fifty-sixth and fifty-seventh congresses by largely increased majorities. In the fifty-fourth he was appointed by Speaker Reed a member of the committee on ways and means, and took part in the preparation by that committee of the Dingley tariff bill and in securing its passage. His judicious, energetic and finally successful efforts in behalf of what was known as the filled cheese and pure flour bills attracted attention all over the country, and prompted the dairy and milling interests to place in his charge the matter of securing further legislation in their interests. In the fifty-fifth congress, when the treaty for the annexation of Hawaii was pending in the senate, Congressman Johnston, of Indiana, assailed in the house both the treaty itself and the administration for favoring it. In a few days Mr. Tawney replied in a speech that was at once a masterly argument and an eloquent presentation of the subject. These were the first published speeches on this subject delivered in either house. Subsequently, when it became

known that the two-thirds vote necessary to ratify the treaty could not be secured in the senate, the foreign affairs committee of the house reported a resolution for annexation. Owing to the opposition of the speaker, the friends of annexation could not obtain recognition for its consideration. Mr. Tawney, unwilling to see the resolution defeated in that way, when it was evident that nearly all the republican members of the house favored it, circulated a petition among them, whereby each man who signed it declared in favor of annexation and of the immediate consideration of the resolution, and also requested the chairman of the republican caucus to call a caucus to adopt such means as might be necessary to secure its consideration. But the caucus was not called. The speaker, seeing the unanimous favor accorded Mr. Tawney's proposition on the republican side of the house, agreed to permit the consideration of the resolution without a caucus. In the organization of the fifty-sixth congress few republican representatives took a more conspicuous part. In the unique and very brief campaign which resulted in the election of Hon. D. B. Henderson of Iowa to the speakership of the house, Mr. Tawney's movements showed him to be an adept in political strategy as well as a determined and tireless worker in whatever he set his hand to. In this case the supreme object was to elect a speaker from west of the Mississippi river, and thus secure to western republicans a more adequate share of influence in national legislation and national politics. After the close of the speakership campaign, Mr. Tawney assisted in completing the organization of the house in this congress, and among other things advocated the creation of a new committee in the house for the preparation and consideration of legislation for our new insular possessions. He was intrusted by Speaker Henderson with the work of preparing a resolution amending the rules of the house for this purpose. He did so, and gave to the new committee its name: "The Committee on Insular Affairs." This committee is conceded to have but one superior in rank and influence, and its jurisdiction covers every possible question pertaining to the government and administration of public affairs in our island possessions, except federal revenue

and appropriations. Owing to the small republican majority in the fifty-sixth congress, Mr. Tawney was selected by the caucus of his party as "whip of the house," a very responsible position, last filled during the fifty-first congress by Hon. James Wilson, now secretary of agriculture. He was also appointed a member of the committee on ways and means, and a member of the committee on insular affairs. This prominence in committee assignments and in the choice of his colleagues is another striking evidence of Mr. Tawney's industry, of his organizing ability, and of the confidence and esteem which he has won in such large measure from his associates.

Mr. Tawney was married on the 19th of December, 1883, to Miss Emma B. Newell, of Winona, and is the father of five strong and handsome children, four sons and one daughter—Everett Franklin, James Millard, John, Maud Josephine and William Mitchell.

CHAPTER III.

CHARLES B. ELLIOTT, THE EMINENT JURIST AND AU-
THOR—THE DISTINGUISHED HORACE R. BIGELOW
—HON. WILLIAM EDWARD HALE.

CHARLES B. ELLIOTT.

As an authority on international law, as an author of repute, as a scholar and a jurist, few men have achieved at the age of forty-three years the distinction which is accorded Judge Charles B. Elliott, of the district court of Minnesota, not only in this state, but throughout the entire country.

Charles B. Elliott was born in Morgan county, Ohio, January 6, 1861. He is the son of Edward and Anjaline (Kinsey) Elliott. Judge Elliott is a product of the farm, from which have sprung the men who have been the most prominent in the history of these United States. His father was an Ohio farmer, who spent the larger share of his life scratching a poor living out of even a poorer farm. It needed but the stimulus of an ambitious temperament to make the young farmer boy break away from his environment and seek in the world beyond the reward awaiting patient and persevering effort. The Elliott family came to Ohio shortly after the revolutionary war, and were among the early settlers of Morgan county. The father of Charles' mother was also an early pioneer in Ohio. The ancestors of these two families emigrated to this country from England in the early days and settled in New England. The common schools of southeastern Ohio, in which the subject of this sketch received his early education, were just one step removed from the old log school house. But they were good schools of their type, and the sturdy and ambitious country lads who attended them were taught the value of persistent effort towards the highest ideals. At the early age of sixteen Charles had sufficiently qualified himself to begin teaching. He spent all his spare time in



C. B. Elliott.



hard study, and in a short time was able to enter the preparatory department of Marietta college. Being compelled to work his own way, he was only able to attend intermittently. He taught country schools in the winter, worked on the farm in the summer, and while in college taught night school and did janitor work. In fact the young student worked so hard that he temporarily ruined his health. His father having moved to Iowa, Charles followed him and entered the Iowa State University, graduating from the law department in June, 1881, with the degree of LL. B. The following winter was spent in the law office of Brannan & Jayne, at Muscatine, Iowa. In 1882 he moved to St. Louis, Missouri, where he supported himself by writing for the legal magazines and reviews, but his health breaking down the year following, he was obliged to give up his work and went to Aberdeen, South Dakota. He remained there for a little over a year, engaged in outside work, until he had regained his health. Going to Boston, he spent some time studying, but came west and located at Minneapolis in 1884. He opened up an office and began the practice of his profession, but the first three years were a hard struggle with adversity. He was unremitting in his studies, however, taking a post-graduate course in history and international law for three years at the University of Minnesota, graduating in 1887, with the degree of Ph. D., the first granted by that university. He continued the practice of law until January, 1891, when he was appointed, by Governor Merriam, judge of the municipal court of Minneapolis. The following November he was elected to this office for a term of six years. In January, 1894, he was appointed judge of the district court by Governor Nelson, to fill an unexpired term. In the November elections of that year he was elected to the full term of six years on the district bench, and has served in that capacity up to this time. He was renominated to the same office in the primary elections of 1900 after a hard and bitter fight. His fearless conduct of the cases against what was known as the "city hall gang" had incurred for him the ill-will of the friends of the convicted men, as well as the element they represented, but he was successful against their open, undisguised and revengeful

opposition to his renomination, and received a handsome endorsement at the polls in November. Judge Elliott is a student and a man of high attainments, and has come to be recognized as an authority on international law, lecturing on that subject from 1890 to 1898 as a member of the faculty of the law department of the University of Minnesota. He has written extensively on these subjects, and among his most noted books may be mentioned "Law of Private Corporations," now in its third edition; "Law of Insurance," in its second edition; "Law of Public Corporations," "Minnesota Trial Practice," recently published, and a historical volume entitled "The United States and the Northwestern Fisheries" (1887), which is regarded as the highest authority on that subject. Judge Elliott has also contributed many articles to the magazines and reviews, such as the Atlantic Monthly, the Forum, the American Law Review, and numerous French, German and Russian reviews, devoted to public and international law. The active duties of his office and his prodigious activity as an author have not, however, kept Judge Elliott from mingling among his fellowmen in a social way, by whom he is highly esteemed, not alone for his intellectual ability, but for his social qualities as well. He is a republican in politics, and a member of the Masons, Knights Templar and the I. O. F. In 1895 he was complimented by the state university of Iowa with the honorary degree of LL. D. He is also a member of the Phi Beta Kappa fraternity, and is president of the Minnesota chapter. While not a member of any church, he is, with his family, an attendant at St. Mark's Episcopal church. He was married, May 13, 1883, to Edith Winslow, at Muscatine, Iowa. Their union has been blessed with four children, Charles Winslow, Edwin Eugene, Ethel and Walter A.

HORACE R. BIGELOW.

Horace Ransom Bigelow was born at Watervliet, Albany county, New York, March 13, 1820, and died in St. Paul, Minnesota, November 14, 1894. He was the son of Erastus and Statira Ransom Bigelow,

who came from Connecticut and settled in Troy, New York, when Horace was an infant; a few years later they removed to Oneida county, where the son received his literary education, mainly at the public schools of Sangerfield and the gymnasium at Utica, in that county. His grandfather, Otis Bigelow, was a patriot soldier in the revolutionary war, and a member of the agricultural class. His father, Erastus Bigelow, was also a farmer, and Horace during his youth and early manhood aided his father in the farm work during the summer months, attended school, and later taught school, during the winter season. After reaching his twenty-first year he decided to follow a professional career, and with this object in view he commenced the study of law. He read with Charles A. Mann and John H. Edmons, of Utica, and was admitted to the bar in that city in 1847. He then opened an office, together with Edward S. Brayton, for the practice of his profession in Utica, and from the first they were successful. Mr. Bigelow was for a time clerk of the recorder's court and other courts in Oneida county. In the autumn of 1853 he decided to seek a new location, and in company with Charles E. Flandrau came to Minnesota. They landed at St. Paul November 2d of that year, and immediately launched the firm of Bigelow and Flandrau, attorneys at law. St. Paul was at that time a village of about 2,500 inhabitants, and the opportunities for law practice were quite limited, and he found it necessary to look for other employment. The first winter he taught in the public schools of the town, and afterwards acted as agent for the sale of "Benton's Thirty Years in the United States Senate." Judge Flandrau went to St. Peter after a few months and resided there until his election to the first supreme court bench of the state, in 1858. Mr. Bigelow resumed the practice of law in St. Paul in partnership with the late John B. Brisbin, under the firm name of Brisbin & Bigelow, which firm continued for several years, and had a large general practice. After its dissolution he was for a time associated with Oliver Dalrymple, as Bigelow & Dalrymple, whose business was largely confined to the prosecution before the department at Washington of Indian claims, growing out of the Sioux massacre of 1862.

In 1865 he formed a partnership with Greenleaf Clark, under the firm name of Bigelow & Clark. The business of this firm increased rapidly, and in 1870 Judge Flandrau returned to St. Paul, and the firm of Bigelow, Flandrau & Clark was formed, which continued in business till 1881, when Mr. Clark was appointed to the supreme bench. Upon the retirement of Mr. Clark George C. Squires was admitted to the firm, the firm name being Bigelow, Flandrau & Squires, which partnership continued until 1887, when Mr. Bigelow retired from the active practice of the law. Mr. Bigelow was known as an able and skillful lawyer. He gave the closest attention to his profession, and rose step by step until he had but few peers, and no superiors, as an attorney in the state of Minnesota. He had an intuitive grasp of legal questions and conducted a general practice, embracing all the branches of the profession, save criminal law. Although a clever and forcible reasoner and an easy speaker, he had no taste for advocacy of cases before a jury, always preferring the presentation of the legal aspect of a litigation to a court. Before the courts of last resort his practice was very extensive and successful, never failing to engage the attention and command the respect of those courts to a remarkable degree. For twenty-seven years he gave his individual attention very largely to railroad and corporation law, during which period he was the leading counsel of some of the most influential corporations in the northwest. No man stood higher in the legal profession of Minnesota than Horace Bigelow, and the bar attested their appreciation by electing him president of the bar association during his more active career. He was entrusted with the most important litigation which came before the courts while in active practice, and the clearness with which he grasped abstruse legal questions, and the vast fund of information acquired by his studious life, made him a most formidable competitor at the bar. Loved and respected by all who knew him, he lived a pure and honorable life, an example for generations to come. Politically Mr. Bigelow was an old line whig, joining the republican party when it was first established. He was never active in politics and never sought office, though he was a candidate for chief justice of the state in 1857,

the nomination coming to him unsought. He was defeated by Judge Emmet. Mr. Bigelow was married in June, 1862, to Cornelia Sherrill, of New Hartford, Oneida county, New York. They were the parents of five children, three sons and two daughters. The third son, George, died in early youth. The first son, Lewis, is now a resident of New York, employed on the local staff of the New York Journal. Horace, the second son, is an able lawyer, in the practice of his profession in St. Paul, and now county attorney of Ramsey county. The daughters are Alice (Mrs. Ethan Allen, of New York City), and Cornelia, the youngest, now living with her mother in St. Paul.

WILLIAM EDWARD HALE.

William Edward Hale, of Minneapolis, descended from a line of patriots who had served in the early wars of their country, evinced hereditary loyalty by enlisting in the Third Minnesota regiment in the fall of 1861, while he was yet but seventeen years old. He served three years, and upon his return home he entered Hamline university (then at Red Wing) to complete his education, which, up to the beginning of the war, had been confined to the public schools, mostly in Wisconsin. After remaining at Hamline university three years, he began the study of law in the office of Judge Wilder, at Red Wing, and was admitted to the bar at St. Paul in 1869. Mr. Hale established himself in Wright county, where he was elected county attorney and served two years; then, in 1872, moved to Minneapolis, where he has since resided. In 1878, he was elected county attorney of Hennepin county and re-elected at the end of his first term, serving altogether four years. He has been urged repeatedly to consider the judgeship of the district court and of the state supreme court, but has as often declined; in 1898, Governor Clough actually appointed him judge of the Fourth judicial district to fill the vacancy caused by the death of his former partner, the late Seagrave Smith, but Mr. Hale refused to accept and returned the appointment to the governor, preferring to attend strictly to the practice of his profession.

For the past twenty-five years, Mr. Hale has been prominently identified with many of the most important cases before the bar in Hennepin county and in the state of Minnesota, and the firm of which he is now the senior (Hale & Montgomery) is one of the best known and successful in Minneapolis. His first partnership was with the late Judge Seagrave Smith in 1877, this firm continuing until 1880. He then associated himself with Judge Charles M. Pond, under the style of Hale & Pond; and later, with Charles B. Peck, the firm name being Hale & Peck. In 1893, he became the senior member of the firm of Hale, Morgan & Montgomery, which continued until the fall of 1898, when the late D. F. Morgan withdrew to become the general counsel of the Telephone Company, and thereafter Mr. Hale and Mr. Montgomery continued and are now associated together in the practice of law.

Mr. Hale was born at Wheeling, West Virginia, May 11, 1845. He is a direct descendant of Samuel Hale, who settled in Glastenburg, Connecticut, in 1637, who, with his brother Thomas, served in the Pequot war. Among descendants of Samuel Hale, who achieved distinction, were the late James T. Hale, member of congress from Pennsylvania; Reuben C. Hale, of Philadelphia; Gideon Wells, secretary of the navy; and Rev. Albert Hale, of Springfield, Illinois. The grandfather of the subject of this sketch, Moses Hale, was one of the early and prominent settlers of Vermont, having lived at Rutland more than one hundred years ago. William E. Hale's father was Isaiah Byron Burr Hale, and his mother's maiden name was Mary E. Covey, of Connellsville, Ohio. While a student at Hamline university, Mr. Hale met Miss Ella C. Sutherland, also a student at the university, and they were married in 1870.

CHAPTER IV.

THE BENCH AND BAR OF RAMSEY COUNTY—PROMINENT LAWYERS OF ST. PAUL.

FIRST PART
BY JOHN E. STRYKER.

Measured in years, the history of the Ramsey county bar is brief. Some of the leading attorneys of territorial days are still among us, and until the end of the last decade many of them were actively in practice. While yet a pioneer bar, it became and has remained metropolitan in character and influence. This result was produced by many causes, the first of which was the high character and eminent ability of the lawyers who were among the earliest settlers of the county. In pioneer days opportunity to associate and contend with such men as Horace R. Bigelow, Isaac Atwater, Charles E. Flandrau, Henry J. Horn, George L. Otis, John M. Gilman, John B. Brisbin, Lorenzo Allis, William P. Murray, M. E. Ames and I. V. D. Herd necessarily elevated the standard of the rank and file; and in measuring the influence of territorial lawyers it should not be forgotten that Alexander Ramsey, Henry H. Sibley, Henry M. Rice and Edmund Rice were attorneys, though they were principally known because of achievements outside of the routine practice of the profession.

The men who came to the county a little later, and particularly a group of practitioners who began their work during the sixth decade of the century just closed, were of the same high class. Cushman K. Davis, Walter H. Sanborn, George B. Young, Homer Eller, Hascal R. Brill, William P. Warner and Christopher D. O'Brien are among those of this second period.

The profession was still further strengthened, during the days of rapid municipal growth from 1880 to 1890, by the addition of a large number of trained and able young men who came from the east; from

time to time since then others of like character have followed them, and vigorous sons of some of the territorial lawyers have augmented the efficient working forces of the profession. Perhaps these men are not yet a part of the history of the bar; at any rate, those among them who possess the learning and ability to deserve and command success are too numerous to name within the limits of this chapter. To comment on the unofficial acts of a few of them would seem like making invidious distinctions. Many of them have, by their industry and knowledge in preparing and presenting their cases, made important contributions to the crystallized law which forms our precedents. Others, by the exercise of sound judgment and by wise counsel, are promoting the best interests not only of their clients but of the community.

High-minded courtesy and fairness to associates, adversaries and the court have been the rule rarely broken in the performance of the numerous, varied and delicate duties of counselor and advocate, while not a few local practitioners have illustrated in their own persons the truth of Edmund Burke's statement that "law is one of the first and noblest of human sciences—a science which does more to quicken and invigorate the understanding than all other kinds of learning put together."

As a great railway center, St. Paul has drawn to itself many prominent corporation attorneys to act as general counsel for some of the leading transportation companies of America.

Another cause tending to strengthen the local profession is the fact that St. Paul has been a great court center. As the capital of the state it has been the home of the state supreme court; the United States district and circuit courts have made their headquarters here, and since the organization of the United States circuit court of appeals in 1891 St. Paul has divided with St. Louis the distinction of being the seat of that court in the transaction of the most important legal business of eleven states and three territories. A great part of the distinguished judicial services of Judges Walter H. Sanborn, Rensselaer R. Nelson and William Lochren have been rendered here, while emi-

nent jurists of the United States supreme court, like Justices Samuel F. Miller and David J. Brewer, have also frequently presided upon the local federal bench; and not the least of the factors conferring power and honor upon the Ramsey county bar, as an organization, has been the high character and great ability of the local state bench.

The following is a roster of the judges of the Ramsey county district court, with their terms of office:

E. C. Palmer.....	May 24, 1858, to December 31, 1864.
Westcott Wilkin.....	January 1, 1865, to January 5, 1891.
Hascal R. Brill.....	January 1, 1876, to January, 1907.
Orlando Simons.....	January 1, 1876, to November, 1890.
Levi M. Vilas.....	February 15, 1889, to August, 1889.
William L. Kelly.....	March 17, 1887, to January, 1907.
Charles D. Kerr....	February 14, 1889, to December 25, 1896.
Charles E. Otis....	August 28, 1889, to January, 1903.
James J. Egan.....	January, 1891, to January, 1897.
William D. Cornish....	December 5, 1890, to January, 1893.
John W. Willis.....	January, 1893, to January, 1899.
George L. Bunn.....	January, 1897, to January, 1905.
Olin B. Lewis.....	January, 1897, to January, 1909.
Edwin A. Jaggard.....	January, 1899, to January, 1905.
Grier M. Orr.....	January, 1903, to January, 1909.

All of these have, of course, come from the ranks of the local profession. They have been and are men of sturdy integrity, and several of them are recognized at home and beyond the limits of the state as possessors of pre-eminent fitness for the judicial office.

The judges of the state supreme court, during their respective terms of office, have all resided and performed their judicial services in St. Paul. Of them Lafayette Emmett, James Gilfillan, S. J. R. McMillan, Charles E. Flandrau, Isaac Atwater and Greenleaf Clark were chosen from the bar of Ramsey county, and at the ends of their terms of office returned to the ranks of that bar; while, after the completion

of their labors upon the supreme bench. George B. Young, Thomas Wilson and William Mitchell added their wisdom, learning and experience to the collective power of the local bar.

The character of the litigation which has engaged the attention of judges and attorneys, as well as the high standards established and maintained by the bench and bar, have contributed to the strength of the profession. From the days when the state bond cases occupied the attention of the community to the so-called merger suits of the present time, many questions of prime importance to the entire country have been litigated here, and in all these cases local practitioners have performed much of the labor and deservedly secured a full share of the honors and emoluments, while Minnesota judges, with accurate knowledge of the reason and history of the law, have in clear terms formulated precedents for the entire nation.

Behind and above all institutions, social and political, stands a governing public opinion; the bar is amenable to such opinion, but the more limited public, consisting of its own members, is and should be its controlling authority. This influence at the Ramsey county bar, as in many other communities, finds its best expression through the local bar association. Here corporate spirit and a higher sense of the dignity of the profession are developed. At its periodical meetings the members, either directly or indirectly, remind each other that they inherit honorable traditions as truly as if there were blood relationship between them and the men who, in the past, made the profession justly esteemed above all other callings. On these occasions something is also accomplished when, laying aside professional conflicts, the members meet to become better acquainted with each other and are thus led to appreciate the high character, learning and good-fellowship of their associates. In the presence of the existing tendency to commercialize the practice of law, the conservative and deterring effects of such meetings are most desirable.

It has also been the practice of the association, when death has terminated the work of a member of the bench or bar, to lay aside

usual employments and record the respect and affection of his companions for the departed brother whose brief of life is finished.

To detect and expose those who steal the professional livery for the purpose of committing crime is also very properly a function of the association, which, fortunately, it has not often been called upon to exercise.

According to Professor Brice, the only safeguard against the dangers of electing the judiciary by popular vote is the influence of the bar. On occasions when a local judicial office is to be filled by election the influence of members of this association is always exercised, and frequently with controlling effect, to the end that the best obtainable judges may be secured; when a vacancy has existed, to be filled by appointment, the nominees of the association have often been chosen by the governor. Instances of this kind occurred in 1889, when the Ramsey county district bench was increased from four to six judges. The association met and selected, by ballot, Charles D. Kerr and Levi M. Vilas, and they were appointed by Governor Merriam. In like manner Charles E. Otis was chosen to fill the vacancy caused by the death of Judge Vilas and William D. Cornish in place of Judge Simons, deceased.

It cannot be said that the early history of the local bar association is lost in the mist of ages, and yet a careful search and diligent inquiry have failed to discover any of its early records. The first organization was formed probably about 1870, and was known, as at present, as the Ramsey county bar association. Rotation in office does not, at that time, appear to have been popular, and the late Horace R. Bigelow was for many years the honored president of the association. He was succeeded by I. V. D. Herd. In 1887 a reorganization took place, and the name assumed was the St. Paul bar association. Of this organization Charles E. Flandrau, Christopher D. O'Brien, Hiram F. Stevens, Walter H. Sanborn, Henry L. Williams and Edward H. Osmun were successively president.

On February 19, 1898, the present Ramsey county bar association was organized. The officers are elected for one year, and are not per-

mitted to succeed themselves. The immediate governing body of the association is an executive committee consisting of ten members, including the executive officers, viz., president, vice president, secretary and treasurer, and six other committeemen, the latter being elected for the term of two years, three members retiring annually. The following named gentlemen have been president of the association: Timothy R. Palmer, Ambrose Tighe, Frederick G. Ingersoll, Christopher D. O'Brien, John E. Stryker and Edmund S. Durment, and the present incumbent of that office is Oscar Hallam.

The Ramsey county bar has also given to the executive and legislative councils of the state and nation Henry H. Sibley, pioneer, Indian fighter and first governor of the state; Henry M. Rice, congressman, senator and Indian commissioner; Alexander Ramsey, territorial and war governor, senator and secretary of war; Cushman K. Davis, senator and international lawyer; Stanford Newell, diplomat and polished raconteur; S. J. R. McMillan and Moses E. Clapp, United States senators and jurists, together with many others whose official positions have been less conspicuous, but whose earnest and honest services deserve no less commendation.

On occasions of national or state emergency and distress, members of the local bar have been ever ready to serve the community, outside the lines of professional activity, at the cost of personal sacrifice. During the rebellion and the Indian and Spanish wars St. Paul furnished its full quota of lawyer-officers, who played well their parts in defense of their country; Willis A. Gorman, Alexander Wilkin, John B. Sanborn and Charles E. Flandrau are but illustrations and types of these men.

The name and recent death of Judge Flandrau suggest again what to the writer seems the leading characteristic of this bar. He was a brilliant example of both pioneer and cosmopolitan. In him the sturdiness and hardihood of the path finder blended with the culture and finish of mature civilization. To those who practiced with him and knew him well, Charles E. Flandrau was the legal chevalier *sans peur*

et sans reproche—a representative of the best that the Ramsey county bar has produced.

And the local bar is a typical part of the national bar, of which De Tocqueville in 1835 wrote:

“The lawyers of the United States form a party which is but little feared and scarcely perceived, which has no badge peculiar to itself, which adapts itself with great flexibility to the exigencies of the time, and accommodates itself to all the movements of the social body; but this party extends over the whole community, and penetrates into all classes of society; it acts upon the country imperceptibly, but it finally fashions it to suit its purposes.”

THOMAS DILLON O'BRIEN.

Thomas Dillon O'Brien, of St. Paul, was born at La Pointe, Wisconsin, and is a son of Dillon and Elizabeth O'Brien. He has been a resident of Minnesota since 1863. His education was acquired in the common schools. He studied law in the office of Young & Newel, of St. Paul, and was admitted to the bar in April, 1880. At different periods he has been a member of the law firms of O'Brien, Eller & O'Brien; O'Brien & O'Brien and C. D. & Thos. D. O'Brien, the last named being the style of his present firm. His standing at the bar has always been eminent and his general success has been most marked.

Mr. O'Brien has been assistant city attorney of St. Paul for four years and county attorney of Ramsey county for two years. In 1902 he was a democratic candidate for district judge in the Ramsey county district, but in the republican landslide of that year was defeated, although he ran several hundred votes ahead of the main ticket of his party. He has always been a democrat, unwavering in his devotion to and loyal in his support of the principles and candidates of the democracy. For some years he has been, and at present is, the Minnesota member of the national democratic committee.

In religion he is a Catholic, and in the order of Knights of Columbus, which is composed of members of that church, he holds the position of state deputy for Minnesota.

Mr. O'Brien was married in Philadelphia, April 24, 1888, to Miss Mary Cruice, and there are four children in his family, named Elenor, Dillon, Louise and William R.

JAMES R. HICKEY.

James R. Hickey, one of the youngest and most prominent members of the St. Paul bar, was born at Spring Lake, Scott county, Minnesota, July 26, 1874. His parents, James and Catherine Hickey, were among the early pioneers of Minnesota and did their full share in developing the commonwealth to its present proportions. The senior James Hickey died February 7, 1902, a prominent and influential citizen.

Mr. Hickey was educated and prepared for the bar in the public schools of Minnesota, Northern Indiana university and the University of Minnesota, and was admitted to practice in the supreme court of Minnesota June 7, 1894, as a graduate of the University of Minnesota. He is licensed to practice in all the state and federal courts, and has been especially engaged in corporation litigation and in personal injury cases. Among other business connections, he is special counsel for the relief association of the St. Paul fire department, which is capitalized for half a million dollars.

He is a good lawyer and is rapidly gaining a reputation. In the case of Peamisel vs. the G. Heilman Brewing Company, Mr. Hickey successfully contested the right to recover, on the part of the brewing company, because it had failed to file its articles of incorporation and otherwise comply with the provisions of the then new Summerville law. This case established the first precedent in Minnesota law that foreign corporate contracts are void by a failure to file the corporation's charter in the office of the secretary of state of this state. Mr. Hickey has also been influential in establishing some new and impor-



Sam J. Donnelly

tant principles in damage law. He was counsel and personally conducted, in the Chicago courts, the case involving the disposition of the Florence C. Sullivan estate, and after a lengthy and well contested legal battle, won for his clients, the heirs of the estate, a judgment for \$90,000.

In the affairs of the St. Paul Bar Association Mr. Hickey has always been actively interested. He is a charter member, has served on the executive and legislative committees, and when a member of the legislature looked especially after the interests of the association. He is a member of the Knights of Pythias, of the Elks, of the St. Paul Commercial club and other civic organizations. Always a democrat, in his political views and affiliations, and positive in his opinions, Mr. Hickey is tolerant and ever liberal towards others and acts for the general good, so that he has a large non-partisan following.

In 1900 Mr. Hickey was elected to the legislature as the youngest man ever elected to the state legislature in Minnesota from the fourth ward of St. Paul, the principal district of the city, and during the ensuing sessions made a most intelligent and efficient member, and was a most acceptable representative of his constituency. In 1902 Mr. Hickey was again re-elected from the same district by the largest majority ever given any representative from said district.

STANISLAUS J. DONNELLY.

Stanislaus J. Donnelly, of the firm of Cannon & Donnelly, St. Paul, was born at Nininger, Dakota county, Minnesota, in 1861, the son of Ignatius and Katherine Donnelly. A sketch of his distinguished father, whose memory the people of the country, and especially the citizens of Minnesota, will ever delight to honor, will be found elsewhere in these volumes.

"Stan" Donnelly, as he is familiarly known, was educated in the public schools at Hastings, Minnesota; at St. John's college, in Stearns county, and at Georgetown college, Washington, D. C.

He studied law in the office of O'Brien, Eller & O'Brien, at St. Paul, and was admitted to the bar in the state supreme court in October, 1885. At present Mr. Donnelly is associated with Mr. E. J. Cannon, and the firm does a general practice in all the courts. A great part of his professional life has, however, been pursued on his own account. He had certain valuable preliminary training before entering actively upon his career as a lawyer. He was clerk of the judiciary committee of the legislative house in the session of 1887, clerk of the senate judiciary committee in 1891 and was chief clerk in the attorney general's office for four years. He was assistant county attorney of Ramsey county for four years and attorney for the state board of game and fish commissioners for two years.

He has crossed swords in the legal arena with old and erudite practitioners and won out. He is a most excellent trial lawyer, and as an advocate is always earnest and impassioned.

He belongs to the Junior Pioneers and the Knights of Columbus. In religion he is a Roman Catholic. He was married in 1887 to Miss Jennie M. O'Brien, and has five children.

RICHARD A. WALSH.

Richard A. Walsh, of St. Paul, was born in that city January 9, 1862, the son of Thomas and Margaret (Wheeler) Walsh. He attended the St. Paul ward and high school, but obtained the greater part of his education by personal application outside of the school room. His law studies were pursued under the direction of the late Hon. Chas. D. Kerr (who died while a member of the Ramsey county district bench), and he was admitted to the bar in the supreme court October 12, 1883.

Mr. Walsh practices in the federal and state courts, and does a general legal business. At one period he was active and prominent in state and local politics, at first as a democrat and subsequently as a member of the people's party. In 1890 he was elected to the state legislature and re-elected in 1892, serving in the sessions of 1891-3.

He performed particularly important services for his constituents in his efforts to prevent the extortions of unlawful combinations then preying upon the people of the state. He it was who introduced the resolution adopted by the legislature for an investigation of the condition and methods of the coal and other combinations, and was appointed a member of the investigating committee and was perhaps its most active working member. Subsequently he was chosen by the then Governor Knute Nelson to assist the county attorney of Ramsey county in prosecuting certain unlawful combinations operating to the detriment of the public welfare. In 1896 he was a candidate on the democratic and people's party ticket for district judge, but that was a presidential year and the republicans brought out their full strength and, aided by many democrats, swept the county by a majority of thousands, and Walsh and his associates were defeated. He has not been conspicuous in political movements or affairs, but has been busily engaged in his profession, and has devoted his time and attention to building up his practice.

He was married in St. Paul, July 22, 1884, to Margaret McManus, in his religious views Mr. Walsh is a Catholic and a member of the West Side parish.

S. P. CROSBY.

S. P. Crosby, of St. Paul, was born at Dexter, Penobscot county, Maine, September 24, 1858, the son of Josiah and Mary B. Crosby. His father, Hon. Josiah Crosby, is still living, at the age of eighty-six, and has been a practicing lawyer for sixty-three years. He is a native of New Hampshire, but has lived in Dexter since 1825. He has held the position of moderator at the town meetings for fifty-one consecutive years. He has also been a member of the legislature, and in 1868 was president of the state senate. He was formerly a republican in politics, but since President Cleveland's first term he has been a democrat in politics and has been his party's candidate for congress.

S. P. Crosby graduated from the University of Maine in 1879, and subsequently studied for the bar in the office of his father at Dexter. He was admitted to practice at Bangor, Maine, May 3, 1883.

Mr. Crosby came to Minnesota in May, 1883, and is licensed to practice in the state and federal courts. He has been engaged in the general practice and has secured a large clientage.

In the case of the State vs. F. X. Joinette, tried in the Ramsey county district court in 1883, wherein the accused, a deaf mute, stood charged with larceny, Mr. Crosby, his counsel, raised as a defense that the prisoner could not be tried because, owing to his infirmities, he had not sufficient intelligence to be informed of the nature and cause of the accusation against him. The point was sustained and the defendant discharged.

In the matter of the settlement of the estate of John Blake, decided in the Hennepin county district court in 1890, the facts were that no heirs came forward or could be found, and the estate had been unclaimed for eleven years. Mr. Crosby became interested in the case, and after a course of patient and protracted investigation, found the heir to the estate in the person of a half brother, who was living in New Hampshire, and who had never seen the deceased, John Blake.

Two other notable cases in which Mr. Crosby was counsel was the estate of Adam Lohker, decided in the district court of Ramsey county in 1898, and Kopp vs. the Northern Pacific Railroad Company, decided in the district court in 1889.

He was married at Rush City, Minnesota, November 24, 1886, to Victoria Robie, and they have one child, a daughter, named Alice Cecilia Crosby.

PERCY DOWNING GODFREY.

Percy Downing Godfrey, of St. Paul, has been a resident of the North Star state for sixteen years, coming from New Hampshire in 1887. The Godfrey family settled at Hampton in 1638, since which their descendants have been prominent in New England affairs, being represented in civil public life as well as in the various military strug-



Percy D. Godfrey.
H

1909

gles in the colonial, revolutionary, war of 1812, and civil war. The published record and complete genealogy may be found in the "History of Hampton." His father, Jacob T. Godfrey, is a farmer and practical engineer at Hampton Beach, New Hampshire, and true to the martial and patriotic spirit of his family, he, with three brothers, volunteered at Lincoln's call of troops, and served throughout the war, winning an honorable record as a soldier.

The maiden name of Percy Godfrey's mother was Nettie H. Downing, a woman of more than ordinary ability, well educated and refined. She was also of early New England ancestry, born at Rye Beach, New Hampshire, and had literary taste, being gifted as a writer, securing distinction as an authoress of prose and poetry.

Mr. Godfrey was born at Hampton, March 12, 1871. His education was received in the public schools and Hampton academy and high school, where he graduated with honors in 1887, being class poet. He early chose the profession of law for his life work, for which he had a natural taste, due in some degree, no doubt, to his gift of public address, which has proved of value, making him distinguished at the bar as an advocate and creating a demand for his services as a public speaker. In 1887 he moved to St. Paul, and took up the study of law in the office of Judge A. C. Hickman, and later entered the law department of the University of Minnesota and graduated with the degree of B. L., class of 1892, and received diploma through the state board of examiners and supreme court, and was admitted to the bar on his twenty-first birthday. He carried into his profession the same diligent, studious habits which had gained for him a high standing at school, and soon secured a position at the bar which brought a large and lucrative practice.

In politics Mr. Godfrey is an ardent republican, active in every movement to forward the principles of the party and liberal with his services in every campaign, and served as a member of the board of park commissioners of the city of St. Paul and United States commissioner of the United States court. In 1892 he was secretary of the Ramsey county convention, and in 1896 was chosen secretary of the fourth

congressional district convention to select delegates to the national republican convention. He is also interested in fraternal societies, having served as chancellor commander of St. Paul Lodge, Knights of Pythias, and is chairman of Minnesota grand lodge committee on constitution, law and revision, and is a member of the Odd Fellows, B. P. O. E. and the Masonic order, being a Knight Templar and Shriner.

Mr. Godfrey was married, June 30, 1892, to Miss Minnie R. Lawton, of St. Paul. They have two children, Otis Hickman and Percy Downing, Jr.

LEONARD J. DOBNER.

Leonard J. Dobner, of the firm of McDonald & Dobner, St. Paul, is a native Minnesotan, born at Lake City, February 16, 1862, and the son of John and Louisa Dobner. He was graduated from the Lake City high school and from Hamline university. He studied law in the office of Williams & Goodenow, of St. Paul, and was admitted to the bar in February, 1886.

Mr. Dobner is in partnership with W. H. McDonald, with the firm name as above, and is in the general practice in the state and federal courts. The firm is special counsel for the Wisconsin Central Railway, the American House Furnishing Company and W. P. Davidson.

He was an active member of the St. Paul board of education from 1885 to 1890. In the latter year he was elected alderman from the Tenth ward and served until 1892. In 1900 he was again elected to represent his ward and in 1902 he was re-elected.

Mr. Dobner was married at Fergus Falls, Minnesota, September 18, 1888, to Miss Eunice Allen, and they have three children, named Edwin, Allen and Helen. Mr. Dobner is a member of the Methodist Episcopal church and of the Knights of Pythias.

W. T. McMURRAN.

William T. McMurrin, of the St. Paul bar, was born at Culpepper, Virginia, August 18, 1867, the son of Charles and Jean Henderson

McMurren. He was educated in private schools and academies in his native state and came to Minnesota in 1886. He studied for the bar in the law department of the State University of Minnesota and was admitted in 1893. Mr. McMurren is engaged in general practice and has been uniformly successful. He is a member of the Ramsey County Bar Association and was elected treasurer of that organization in 1902.

In 1894 Mr. McMurren was married to Miss Eleanor McClung, of St. Paul, and has one child, a son.

WILLIAM G. WHITE.

William G. White, of St. Paul, is a native of Massachusetts, born at South Hadley, September 30, 1854. He is the son of William and Amanda Preston White. His scholastic education was completed in the high school at Chicopee, Massachusetts. After leaving this school he was a law student in the office of Stearns & Knowlton, of Springfield, Massachusetts, for a time, and then entered the law school of Harvard university, from which he was graduated in 1875. He was admitted to the bar at Springfield, Massachusetts, in 1876, and was in practice in his native state until in May, 1884, when he came to St. Paul.

He is licensed to appear in the state and federal courts and is engaged in general practice, although he has made a specialty of real estate and corporation law cases. At different times he has been the regular counsel for the St. Paul National bank, the National Investment Company, the National Bond and Security Company, and the C. W. Hackett Hardware Company, and has also been special counsel for many other important corporations, including the St. Paul Foundry Company, the American Hoist & Derrick Company, etc.

In May, 1878, Mr. White married Carolyn E. Hall, and of this union there are four children, viz., Marion Louise, Edwin, William Preston and Elizabeth Kendall White. Mr. White is a member of the Park Congregational church of St. Paul.

E. J. CANNON.

Edward J. Cannon, of the firm of Cannon & Cannon, St. Paul, is a native of Wisconsin, but came to Minnesota in 1887. He was educated in country schools and at Cedar Valley seminary, Osage, Iowa. He studied law under the instructions of Thompson & Taylor, of St. Paul, and was admitted to the bar in April, 1890. At present he is associated in partnership with George J. Cannon, his younger brother.

The firm of Cannon & Cannon is well and most favorably known in St. Paul and throughout the state, and the senior member has been influential in establishing its reputation. Mr. Cannon is considered an excellent lawyer, with many accomplishments in his profession, but his personality is not the least among the factors which have accomplished his business success. He is in full sympathy with his calling and devotes himself to its details with rare assiduity. He has been a member of the Ramsey County Bar Association since its organization, and in 1900 was the treasurer. He is secretary of the commission which prepared the present charter of the city of St. Paul, and performed his duties with the highest efficiency and the fullest acceptability.

Mr. Cannon is a member of the Commercial club of St. Paul, the Royal Arcanum, the Knights of Columbus and the Ancient Order of Hibernians. He was married in St. Paul in 1890 to Miss Helen L. Appleton and has three children.

R. D. O'BRIEN.

Richard D. O'Brien, of the firm of C. D. & Thos. D. O'Brien, of St. Paul, one of the youngest members of the Minnesota bar, was born in St. Paul in 1874, and is a son of Hon. Christopher D. and Susan E. O'Brien. He was educated in the public schools and at the University of Minnesota, and was prepared for the bar at the latter institution. He was admitted to practice June 8, 1900, and thereupon became connected with his father and uncle in the firm named. He



E. J. Harmon

THE
NEW YORK
PUBLIC LIBRARY

Astor Lenox Tilden

ASTORIA

1908

is estimated as a young attorney of ability and promise, as much from his natural talents and accomplishments as from his association with two of the best lawyers in the state.

Mr. O'Brien has a good record in more than one respect. April 29, 1898, upon the breaking out of the war with Spain, he enlisted in the Fourteenth Minnesota regiment and was made regimental quartermaster sergeant. July 21st following he was promoted to second lieutenant of Company B, and served with that rank until after the war, when his regiment was mustered out. He then resumed his studies until his graduation, as has been stated.

CHARLES E. HAMILTON.

Charles E. Hamilton was born in Rochester, England, in 1848. His parents were Capt. George V. and Jane Hamilton, the father being a native of Ireland but a soldier in the British army with the rank of captain. Young Hamilton was brought to America at an early age and obtained his education at Grantham college, Ontario. He studied law with the late Hon. James G. Currie, speaker of the Ontario legislature.

Mr. Hamilton was admitted to the bar of Ontario about 1870 and began the practice of his profession alone, preferring to climb the rugged path to fame unaided. He was a successful practitioner in Winnipeg, where his uprightness and probity led to his nomination and subsequent election to the office of mayor of that city in 1884, at a time when that country was in a turmoil over the Riell rebellion. The following year, 1885, he was made attorney general, in which capacity he served for two years. He was also a member of the legislature for a period of four years.

In January, 1888, he came to Minnesota and settled in St. Paul, where his knowledge and acumen soon won recognition, and in a short time he had secured a clientage that spoke well for his ability at the bar. He represents a large number of corporations and has cases before all the state and United States courts. He was married at

Ottawa, Canada, January 10, 1884, to Miss Lizzie Alma Ashworth, daughter of John Ashworth, of the postoffice department, and a family of four children have been sent to seal their happiness, namely, Charles Ashworth; Sybil; Pauline and Eva Victoria. Mr. Hamilton is a leading member of the Presbyterian church.

SYLVESTER KIPP.

Sylvester Kipp, of St. Paul, Minnesota, is widely and favorably known throughout this and the adjoining states as one of the ablest attorneys connected with the Minnesota bar. He is a native of Bovina, Delaware county, New York, and a son of John and Hannah C. Kipp. After finishing the course at the Delaware academy at Delhi, he went to Deposit, New York, where he read law under the preceptorship of Alexander Cummings, and on May 16, 1868, was admitted to the bar at Binghamton. The following December he came to Minnesota, where he entered upon the practice of his profession, and from a young man, friendless and obscure, he has developed into one of the foremost and most prosperous real estate lawyers of this region. From 1868 to 1873 he was alone, but at that time he entered into partnership with his brother, Orrin, and the firm is now known as S. & O. Kipp.

Mr. Kipp takes real estate cases only, and so prosperous have been the termination of the suits in which he engaged that his fame has extended over the entire states of Minnesota and North Dakota, and his services are in constant demand by those who wish to take their grievances to the courts for settlement. Mr. Kipp was the attorney for Sibley county, Minnesota, for a period of twelve years. He was married November 5, 1873, to Miss Belinda A. Segars, of Henderson, this state, and a family of four children have resulted from this union. Mr. Kipp is a member of the Masonic lodge.

HOWARD WHEELER.

Howard Wheeler was born December 11, 1873, in St. Paul, Minnesota, where he has since resided and is widely and favorably known.

Leaving the common schools of his native city, he entered the state university, where he studied law and was admitted to the bar in St. Paul in June, 1895. He practices in all the courts, and has before him the promise of a bright career. He is one of the most prominent and influential republicans of St. Paul, by whom he was elected to the assembly two years since and was re-elected for a second term of two years. His work in the assembly has been productive of much good, and reflects credit upon his executive ability and is the subject of praise even among those who voted against him. He has all the qualifications and ability that go to make the successful man, and a brilliant future is predicted for him.

HERMON W. PHILLIPS.

Hermon W. Phillips was born in Clay, Washington county, Iowa, his parents being Abel P. and Elizabeth M. Phillips. He received his primary education in his native village and then became a student in Chamberlain institute, New York. Returning to Iowa, he entered the state university at Iowa City, taking the course in the law department during the year 1881-2, and in June of the latter year was admitted to both state and federal courts of the state. The following August he came to St. Paul and was admitted to the Minnesota courts in 1883. His cases bring him before all courts, state and federal. Mr. Phillips makes a specialty of probate, commercial, real estate and insurance cases, and has been eminently successful in the outcome of his undertakings. Mr. Phillips was married September 1, 1886, to Miss Arella Errickson Lounsbury, of St. Paul.

CHARLES BECHHOEFER.

Charles Bechhoefer, of St. Paul, is a native of Pennsylvania, and was born at Woodbury, Bedford county, January 1, 1864. He was educated in the public schools of his native town and at Altoona, Pennsylvania, and was instructed for the bar at the University of Michigan and in the office of John B. & W. H. Sanborn at St. Paul. He was

admitted to the bar at Ann Arbor, Michigan, March 12, 1885, and in July following in which month he came to Minnesota—he was licensed to practice in this state.

Mr. Bechhoefer has been and still is engaged in civil practice generally, largely in the line of realty law and probate and commercial practice. He is also special counsel for several corporations and has a high reputation and standing at the bar. He has long been a member of the State and Ramsey County Bar Associations and served on the legislative committee of the latter organization. He is also United States commissioner for the district of Minnesota.

April 28, 1892, at Hollidaysburg, Pennsylvania, Mr. Bechhoefer married Mrs. Helen Goldman, and has one child. He is a member of the Jewish Temple at St. Paul.

SIMEON MILLS HAYES.

Simeon Mills Hayes, of the St. Paul bar, is a son of Dr. Charles C. and Florence E. (Mills) Hayes, of Madison, Wisconsin, where he was born October 28, 1862. He received the degree of Bachelor of Art. from Harvard college in 1884, and studied law with Judge Henry Hyde Smith, of Boston, Massachusetts. He then entered the University of Wisconsin, receiving the degree of Bachelor of Laws from that institution in 1887. In June of that year he was admitted to the Wisconsin supreme court, United States district and circuit courts, and in December came to this state, where he was admitted to the bar of Ramsey county district court and United States district and circuit courts of Minnesota.

Mr. Hayes has a large general practice, which has been obtained by close personal application to his profession, and that he has the confidence of the general public is clearly demonstrated by the high class of his clients, which include the People's Bank of St. Paul, Northern Exchange bank, Pioneer Press Company, Robinson & Cary Company, all of St. Paul; First National Bank of Hartford, Connecticut, and others of equal prominence. He has been the secretary of the

Ramsey County Bar Association and a member of its executive committee.

He was united in marriage to Hetty Cornwell Brishline, of St. Paul, on April 19, 1894. He is a member of the Minnesota club, St. Paul Boat club, Harvard club of Minnesota, Minnesota State Historical Society and the Church Club of Minnesota, and is one of the live, wide awake business men whose activities have gone so far towards pushing St. Paul to the front and making her one of the prosperous cities of the Union. He is also a vestryman of Christ church of that city, and interested in the work of the Episcopal church of the diocese of Minnesota.

FRANCIS H. CLARKE.

Francis H. Clarke, a successful lawyer of St. Paul, Minnesota, was born in Worcester, Massachusetts, in the year 1860. His parents were Charles P. and Susan M. Clarke, both of whom died before he was seven years old. He was taken in charge, upon the decease of his parents, by John J. Perkins, a well known citizen of Salem, Massachusetts, nephew of Judge Jonathan C. Perkins, the former well known editor of law books, and especially of Chitty's works. Mr. Clarke obtained an excellent education in the schools of Salem, and afterwards passed the examination for Cornell university, but did not attend on account of failing health. He pursued the course, however, under a private instructor, and when he later took up the study of law had all the advantage of a college education except its associations. In 1878 he entered the law office of Charles Sewall, and after three years of study was admitted to the bar in 1881. In 1884 he removed to Rapid City, in the Black Hills of South Dakota. Here he speedily obtained a large practice, trying many important criminal cases and several heavy mining cases. One of these latter, entitled the Gorman Mining Company vs. Alexander, involving large and valuable mining properties in the Hills, became and is a leading case on the subject of the right of an alien to acquire mining locations by purchase. In 1890 Mr. Clarke was placed on their ticket for congress by the demo-

crats of South Dakota, and polled an extraordinarily large vote, although he failed of election.

In 1892 he removed to St. Paul, Minnesota, where he has lived ever since. In 1896 he became extensively known as an advocate of silver, and the fusion forces nominated him as such for congress, but he was defeated, with this issue. He is not a politician and cares little for political conflict, but is devoted to his profession. He has, since settling in St. Paul, built up a large general practice, which is a credit to his indomitable will. Mr. Clarke is a familiar figure in the court room, where his commanding presence, his perspicuity and his keen insight into human nature make him an opponent to be feared. As is well known, a case intrusted to his care is sure of the most painstaking and careful attention, and he has appeared in a number of important lawsuits, including some in nearly every field of practice, including that of mining in many of the western states.

Mr. Clarke was married in St. Paul, Minnesota, in 1890, to Miss Catherine Fernholz, and an interesting family of four children have been born to them, namely, Chauncey F., Sidney B., Adelaide and Virginia Frances. While not a member of the church, Mr. Clarke is a man of sterling qualities and upright principles, which go to make up the best citizenship of any community, and is deservedly popular with his associates.

PETER McGOVERN.

A leading lawyer and citizen of Waseca is Hon. Peter McGovern. He was born October 9, 1845, son of Edward and Rose McGovern. His education for the law began at the law school of the University of Wisconsin. He graduated from that institution in 1871, and the following year he came to Minnesota and located at Waseca, where he has since practiced.

Mr. McGovern had been in Waseca but about a year when he was called upon to assume the work of county attorney. Before his term expired he was selected by the people of his district to represent them in the state senate.

His abilities were so thoroughly appreciated by the citizens of Waseca county that in 1877 they again asked him to serve as county attorney; and in 1877 and 1883 his services in that capacity were also demanded.

Mr. McGovern is a careful and safe counselor. His wife's maiden name was Minnie Gilmore, and she is a native of Canada.

The family is among the prominent ones of Waseca and that part of Minnesota.

SAMUEL OLSON.

Samuel Olson, of the Willmar bar, is a native of that city. He was born February 15, 1873. After receiving the ordinary education of public schools and Willmar seminary, he entered the University of Minnesota, and graduated from the law department in 1895, and was admitted and began practice that year. He was alone until 1898, when the partnership of Olson & Johnson was formed.

Mr. Olson is the present city attorney of Willmar, and his partner, Mr. Johnson, is the present county attorney.

MICHAEL DORAN, JR.

Mr. Doran was born in Le Sueur, Minnesota, in 1872. He is a son of Michael and Katherine J. (O'Grady) Doran. His father, Hon. Michael Doran, Sr., is a prominent character in the business and political history of Minnesota, and is still, though well past the age of three score years and ten, in active business life and an honored and esteemed citizen of St. Paul and the state of his adoption.

Michael Doran, Jr., completed his education at St. John's college, Fordham, New York City, and was educated as a lawyer in the law school of Columbia college in that city. He was admitted to the bar at St. Paul in September, 1898. He is licensed to practice in the state and federal courts, and his work has been chiefly performed in bankruptcy cases. In 1898 he was appointed referee in bankruptcy in the United States court at St. Paul, which position he has filled most acceptably and which he now holds.

At the municipal election in St. Paul in May, 1902, Mr. Doran was one of the five democrats elected to the city assembly, and is the youngest member of that body. He was voted for by members of all parties. Socially he is well known, and has a host of admiring friends.

Mr. Doran is a democrat in politics, but fair minded and tolerant in his political views. In religion he is a Catholic.

O. E. HOLMAN.

Oscar E. Holman, of St. Paul, was born at Allentown, Pennsylvania, April 12, 1853, the son of Charles L. and Mary Holman. Mr. Holman has resided in St. Paul since March 29, 1884. He was educated at Muhlenberg college, prepared for the bar by Judge Edward Harvey, and was admitted to practice April 12, 1876, on his twenty-third birthday—all in his native town.

After his admission Mr. Holman practiced in Allentown until in March, 1884, when he came to St. Paul, where he has since resided.

His business has been in all the courts and ranged through all the branches of jurisprudence. He is well versed in the law, an effective advocate and a good trial lawyer generally.

While living in Allentown, Pennsylvania, Mr. Holman was for some time a member of the common council, and he has been a member of the assembly branch of the city council of St. Paul. In 1889 he was elected by the council the corporation attorney of his adopted city and served two years. He has never been an office seeker, nor neglected his business for politics, although he is a very earnest democrat and uniformly speaks and works for his party in municipal and other political campaigns.

June, 1902, Mr. Holman was appointed by the mayor of St. Paul to the board of school inspectors, and when qualified he was unanimously appointed president of the board by its members.

Mr. Holman was married September 12, 1878, at Ballieteville, Pennsylvania, to Annie Balliet; and he has five children, four daughters and a son. He is a member of St. John's Episcopal church.

ARTHUR J. STOBART.

Arthur J. Stobbart, of St. Paul, Minnesota, was born December 31, 1872, in Chatham, England, his parents being Ralph and Elizabeth Stobbart. He was well equipped in educational advantages, attending Gloucester college until his eighteenth year, when, in May, 1890, he came to the United States and located in this state. Having decided upon law as his profession, he entered the law department of the University of Minnesota and remained a student until receiving the degree of LL. B. in 1897 and LL. M. in 1898.

Mr. Stobbart was admitted to practice before the supreme court of Minnesota on June 4, 1897, since which time he has been actively engaged in legal practice in both federal and state courts. Among those who have retained him as counsel may be mentioned the National Surety Company, the Hallwood Cash Register Company, the Metropolitan Accident Company of Minnesota, and the Kendrick Chemical Company. Probably the most important cases participated in by Mr. Stobbart were the following: State ex rel. City of St. Paul vs. Chicago, St. Paul, Minneapolis & Omaha Railroad Company; City of St. Paul et al. vs. St. Paul City Railway Company; County of Ramsey vs. W. R. Johnson et al. Having ever the best interests of his clients at heart, as well as that of the general public, Mr. Stobbart conducted, while counsel of the board of water commissioners, the preliminary work looking to an enforcement of the board's right to protect its mains from electrolytic action resulting from stray electric street railway currents.

Mr. Stobbart was married in St. Paul June 16, 1897, to Miss Donna Mills Cudworth. One child, Doris Elizabeth, has blessed their union. Mr. Stobbart is a vestryman of St. Matthew's Protestant Episcopal church of St. Paul, of which he is a member and an earnest worker. He was the deputy clerk of the district court of the second judicial district of Minnesota during the years 1897-8, and served as assistant corporation attorney for the city of St. Paul in 1900 and 1901, resigning therefrom to re-enter general practice. He was secretary of the Ram-

sey County Bar Association in 1900, during which time he also served on the executive committee of that organization. The alumni association of the law department of the University of Minnesota showed their appreciation of his worth by choosing him as their president for the year 1901-2. He is a member of Minnesota Chapter, Delta Chi, and is also a member of the Knights of Pythias and the Benevolent and Protective Order of Elks.

WILLIAM D. MITCHELL.

William D. Mitchell, junior member of the firm of How, Taylor & Mitchell, of St. Paul, Minnesota, is a native of Winona, this state, at which place he was born, September 9, 1874, to Hon. William and Francis (Merritt) Mitchell. Few young men have received more advantageous training for their life work than Mr. Mitchell, who was a student in the University of Minnesota and also at Yale. He applied himself diligently to his studies, taking a law course in the state university, and was admitted to practice in Minnesota in June, 1896. Mr. Mitchell associated himself with Jared How and Carl Taylor, in September, 1901, the firm being known as How, Taylor and Mitchell.

WALTER C. GOFORTH.

Walter C. Goforth, of St. Paul, was born in Mt. Carmel, Illinois, September 13, 1857, to the family of Cyrus O'B. and Fidelia (Hoskinson) Goforth. He was educated in Lebanon, that state, at McKendree college, taking a classical course and graduating with Latin honors, on June 14, 1876, when he delivered the Latin oration of the class. Having chosen law as his profession, he entered the office of Hon. J. M. Longnecker, of Olney, Illinois, afterwards prosecuting attorney of Cook county, with whom he studied, and also put in four years' hard work with the "Quiz" club, which was composed of four young men aspiring to enter the bar.

Walter C. Goforth became a lawyer in November, 1878, at which time he was admitted to practice before the supreme court of Illinois

at Springfield. He gives his attention to general practice and appears before all federal courts and Minnesota and Illinois courts. In the suit of Stahl vs. Mitchell, Minnesota, he was the counsel who conducted this case, and has also had charge of many cases on the Iron Range.

He is a progressive lawyer, bright and alert, who is quick to see and take advantage of a point that will turn the issue in his favor, yet, withal, kindly and courteous.

He was married October 3, 1883, to Miss Julia Nichols, of Lebanon, Illinois, also a graduate of McKendree college in the class of 1878.

WILLIAM P. WESTFALL.

William P. Westfall has been a resident of St. Paul, Minnesota, since September, 1888, when he moved here from Onondaga county, New York, the state of his nativity. He was born July 17, 1866, his parents being James and Amanda Westfall. To a thorough public school education he added a course in the Syracuse university, graduating from that institution in the class of 1888.

Coming to St. Paul, he entered the law office of C. D. and Thomas D. O'Brien, with whom he studied two years, and was admitted to the bar of Minnesota in December, 1890. He has had cases in general law before all the state courts of this state as well as the United States courts and the Ramsey county district courts, frequently appealing to the supreme court of Minnesota. He is the present examiner of titles and legal adviser of the registrar, having been appointed to that office October 15, 1901, by the judge of the district court of Ramsey county, under the law relating to the registration of titles to real estate, and it is doubtful if a more satisfactory official could have been appointed to the position.

Mr. Westfall was joined in marriage to Miss Sophia S. Gere, the ceremony taking place December 20, 1893, in Syracuse, New York. They are the parents of one son, William Gere.

Mr. Westfall is a man of deep religious convictions and a consistent member of the Methodist Episcopal church.

MARTIN HIRST ALBIN.

Martin Hirst Albin, of St. Paul, is a native of Virginia and was born in Frederick county, October 6, 1855. His parents were M. J. Albin and Rebecca Dean Albin.

Mr. Albin was educated at Randolph (Macon) college and the University of Virginia. He began the study of law with Messrs. Dandridge & Pendleton at Winchester, Virginia, and after reading one year with that firm, graduated in law from the University of Virginia. In 1884 he was admitted to practice at Winchester, Virginia, and appears in all state and federal courts.

Moving to Minnesota, he located in St. Paul and engaged in general practice, but made a specialty of corporation and mining law and has become well known and successful in those specialties. Mr. Albin is special counsel for a number of mining companies, the Monida & Yellowstone Stage company, The Home Life Insurance company at St. Paul and of the large mercantile concern of Schuneman & Evans of that city.

He is a member of the Protestant Episcopal church and belongs to the Beta Theta Phi fraternity and to the Elks.

Mr. Albin was married in 1885 to Miss Elizabeth Garth Walker, of Albemarle county, Virginia, and a daughter, Rebecca Dean Albin, has been born to them.

HARRY CARLTON JUDSON.

Harry Carlton Judson is a native of Minnesota, and was born at Farmington, of Russell C. and Harriet M. Judson, February 24, 1873.

Mr. Judson graduated from the high school at Farmington, continued his studies two years in the academic department of the University of Minnesota, and then studied law at the same institution.

He was admitted to practice at St. Paul, June 4, 1901, and appears in all the courts. He has devoted his services to general practice, in the line of which he is successful. In 1901 Mr. Judson was chosen



W. J. McDermott

assistant treasurer of the Ramsey County Bar association, and treasurer in 1903.

He is a member of St. John's Episcopal church, St. Paul, and of the Delta Tau Delta and Delta Chi fraternities of the law department of the State university.

October 30, 1901, he was married to Margaret A. Cutts, at Faribault.

THOMAS JEFFERSON McDERMOTT.

Thomas Jefferson McDermott is a product of the state of Minnesota, having been ushered into life November 17, 1861, in Kasota, Le Sueur county, his parents being Paul A. and Rose (McMamee) McDermott. After receiving a good common school education he was given the advantage of a good business training in a commercial school at Minneapolis, supplementing this with a course in the law school of the state university, from which he graduated, taking both bachelor and master degrees. He also had practical training in the office of Eugene M. Wilson, and under the direction of Judge William Lochren, of Minneapolis, and was admitted to practice before the supreme court of Minnesota in April, 1892, and the supreme court of the United States March 4, 1895.

Preferring to stand or fall on his own merits, Mr. McDermott opened an office in St. Paul, and, more fortunate than many young professional men, met with prompt recognition among the fraternity by reason of his vigor and energy. That he has been a very successful man during the ten years of his practice is seen by a casual glance at the records, which show him to have been the counsel in the following cases, which were of paramount importance: State of Minnesota vs. Charles A. Hawkes; same vs. John Adler, who was indicted for murder and owes his acquittal to the untiring zeal, shrewdness and unanswerable eloquence of Mr. McDermott; Hebner vs. Great Northern Railway (a blacklisting case); McDermott vs. Union Credit Co. (libel case); LeRocque vs. Chapple (cost for foreclosure of a mort-

gage); Singer Manufacturing Co. vs. Flynn (power of an agent); Lamotte et al. vs. Mohr (power of trustee or referee). He has been for some time the special attorney of the Singer Manufacturing Company, the Western Supply Company, assistant general attorney of the Chicago Great Western Railway for three years, and other companies.

Probably few men are more widely and pleasantly known throughout Minnesota than Thomas Jefferson McDermott, who is a prominent and influential leader of the democratic party of his state and is ex-chairman of the state central committee. He has served on the executive committee for four years and has been an important factor in strengthening and harmonizing the party with which he affiliates. His genial and companionable ways have made him a universal favorite among all classes, and his influence is potent and far reaching, always exerted in sustaining the cause of the masses and bettering their condition. Mr. McDermott was married in 1887, in Marysburg, Minnesota, to Miss Caroline T. Doran, by whom he has five children, four sons and one daughter, Sylvester, Paul, John and George and Helen Grace McDermott.

He is a member of the Independent Order of Foresters, and was their international representative from Minnesota in 1901-2 at Toronto, Canada. He is an earnest Catholic. Few men are more closely wedded to their business than is Mr. McDermott, and he enjoys a large and lucrative practice from the masses of the people, with whom he is in close touch and sympathy. We cannot find a more fitting close to this sketch than his own words: "I love the profession and enjoy the work. I have been in active practice since my admission, and I expect to live in the state all my life and follow the law for a calling while I survive."

FREDERICK NEWBURY DICKSON.

Frederick Newbury Dickson, of St. Paul, is a native of Minnesota, having been born at Northfield May 15, 1863.

His ancestry is Scotch by a long line of thrifty architects and master builders. On the maternal side also the ancestry was similar in its



Humphrey Barton

characteristics, the family owning and operating the great granite quarries in Invernesshire, in the Scotch highlands.

Mr. Dickson's father, John Nald Dickson, was born in Upper Canada, and he there married Mary Masson and removed to Northfield, Minnesota, in 1860.

The subject of this sketch began his education in the public schools at Northfield, then entered Carleton college, where he graduated from the classical course in 1885. He began the study of law in the office of Hon. W. S. Pattee, at Northfield, as soon as he had graduated, and after being there about one year he came to St. Paul, and entered the office of John B. & W. H. Sanborn. In May, 1888, he was admitted to practice and remained with the Messrs. Sanborn until December, 1893. He then opened an office and began general practice, meeting with immediate success.

Mr. Dickson is a republican in politics. He is a Mason, a Knight of Pythias, and is a member of the Commercial club of St. Paul.

HUMPHREY BARTON.

Humphrey Barton, of the St. Paul bar, was born in Fulton county, Pennsylvania, but has been a practicing lawyer in Minnesota since 1885. He studied for the bar under Hon. John Cessna, formerly a prominent member of congress from Pennsylvania, and was admitted to the bar at Bedford, Pennsylvania, in February, 1885. The same year he came to Minnesota, where he has ever since been engaged in his profession.

During that time Mr. Barton has earned a reputation which has enabled him to maintain a foremost place at the bar. He is an able, forcible and successful lawyer, and has had his share of the public confidence and patronage. He is modest and unassuming, but is always earnest, always honest, and is gifted with a frank, open, persuasive power of speech and a candid manner which makes him most effective before either court or jury. Some of the most important litigation in Minnesota of recent years has been placed in his hands,

and he has conducted it in a way that has reflected much credit upon his ability. In such instances he was opposed by some of the ablest legal talent in the state and came out victorious.

Mr. Barton is thorough in his methods and very resourceful in taking advantage of the development of a case. He is always ready, always faithful to his client and respectful to the court.

Mr. Barton is a democrat and has performed an extraordinary and valuable amount of work for his party. He has never been a politician in the true sense, for his reputation as a lawyer was established before he ever became politically engaged; but he served, and for some time, as chairman of the democratic city and county organizations, and because of the earnest way that he undertook his work and the success with which he accomplished it, was immediately put in command.

He is a member of the state executive committee of his party and also of the state central committee, and was a delegate to the national convention in 1900.

Mr. Barton was married in November, 1885, at Youngstown, Ohio, to Lillian Rupp, and has three children, Cornelia, Dorothy and Robert.

EDWARD J. HODGSON.

Edward J. Hodgson, of St. Paul, for some years a practicing lawyer at Red Wing, but who has been practically out of the profession for the past twenty years, was born at Glen Meay, in the Isle of Man, October 5, 1841. He was brought to the United States by his parents in 1843, and has resided in Minnesota since 1855, and in St. Paul since 1875.

Mr. Hodgson completed his education at Hamline university, then located at Red Wing and prepared for the bar in the office of Clagett & Crosby at Hastings. He was admitted to the bar in 1866 and was engaged in practice for some nine years, when he removed to St. Paul and engaged in other business. For some time he has been president of the Security Trust Company of St. Paul, and his duties in that

position require the greater portion of his time and attention, but he has never lost interest in his old profession, in which he was formerly well established and esteemed.

During the war of the rebellion Mr. Hodgson was a member of Company F, Sixth Minnesota Volunteers, but after about a year's service was discharged for disabilities incurred during the Indian campaigns in Minnesota and Dakota. Previously he had begun to study law under Hon. Chas. McLure, long a judge of the district court, and in 1865 he resumed his studies with Crosby & Clagett.

Mr. Hodgson was married August 9, 1868, at Red Wing to Miss Mary Staples, and there are two daughters of the marriage. Mr. Hodgson is a leading member of the People's church of St. Paul, belongs to the Odd Fellows and Masonic fraternities and is a republican in politics.

CHARLES N. AKERS.

Charles N. Akers, of St. Paul, was born in Morgan county, Illinois, December 4, 1850. His parents were George H. and Julia E. Akers.

When Mr. Akers was eight years old the family moved to Goodhue county, Minnesota, in 1859, and after receiving the education of the local schools, he entered the University of Wisconsin. In 1877 he took up the study of law in the office of John McClure at Red Wing, and was admitted to the bar at that place.

His practice is general and is in all the state and federal courts.

He was county attorney of Goodhue county in 1880-82, and a member of the city council of Red Wing from 1880 to 1885.

At the beginning of the late war with Spain, Mr. Akers enlisted in Battery "A" Minnesota artillery, for three years, and served out his term. The battery did not have opportunity to go to the front, but at the time of enlistment Mr. Akers supposed that the services of all volunteers would be needed.

Mr. Akers is an exceptionally studious man, and he has accumulated one of the most complete private libraries in the city of St. Paul; not only including rare historical works, but scientific and literary as well.

He is a church attendant and a Past Master of Midway Lodge 185 A. F. and A. M., at Hamline, in St. Paul.

He was married at Madison, Wisconsin, October 16, 1879, to Mary S. Dwight.

Mr. Akers is an ardent republican and a hard worker in its ranks. He is well posted on the issues of the day, and is also thoroughly acquainted with American biography and history.

DAVID THOMAS CALHOUN.

David Thomas Calhoun, of St. Cloud, is a native of Pikeville, Tennessee, and was born June 22, 1853. At an early age he came to St. Cloud with his parents. In 1864 he went to Iowa, and in 1871, to Missouri, but returned to St. Cloud in 1877. Prior to that time he had read law and had graduated from Cumberland university in 1874. He became associated with N. H. Miner, of Sauk Center, 1877-79; then with Oscar Taylor, of St. Cloud, from 1879-81; then with Story, of Little Falls, and during that time was county attorney of that county. Later he became associated with M. D. Taylor, of St. Cloud, and the present style of the firm is Calhoun & Bennett. Mr. Calhoun is the present judge of probate and is recognized as one of the leading lawyers of Northern Minnesota.

He was married in Mobile, Alabama, June 29, 1886, and has two boys.

FRANK H. PETERSON.

Frank H. Peterson, of Moorhead, Minnesota, was born in Baltimore county, Maryland, August 16, 1859. His parents were John Peterson and Alice Peterson.

Mr. Peterson's education began in the public schools, was continued at the Western Maryland college, the Westminster college of Maryland, where he received the degrees of A. B. and A. M., a post



David G. Calhoun

1908



F. H. Peterson

graduate course of Johns Hopkins university and the University of Maryland, where he received the degree of LL. B. His legal education was obtained by a three-years' course at the latter institution, and he was admitted to practice at Baltimore immediately upon receiving his degree.

Mr. Peterson came to Minnesota in 1884 and located at Fergus Falls, where he entered into partnership with Hon. H. W. Childs, late attorney general of the state of Minnesota. The partnership continued two years, when Mr. Peterson moved to Moorhead, where he now resides. He practices in all the courts, has often represented his city and other neighboring municipalities in important matters, and has an extensive general practice in Clay and adjoining counties.

Mr. Peterson's thorough education has been utilized by the people of Moorhead in other ways than the law, and he has served eight years as president of the board of education of that city. He is also president of the local bar association. He has been called upon repeatedly to serve in administrative capacity, and has been city attorney, judge of probate, and is now the senator from the sixtieth district of Minnesota, comprising the counties of Clay, Becker and Wilkin.

Mr. Peterson is a member of the Society of Friends. He is also a Scottish Rite Mason.

He was married to Miss Mary E. Baseman, at Baltimore, Maryland, in 1887, and they have four sons.

Mr. Peterson ranks among the leading lawyers of the western part of Minnesota and as a citizen of wide education and culture.

WILLIAM REYNOLDS BEGG.

William Reynolds Begg, of St. Paul, was born at Spartanburg, South Carolina, February 12, 1869, the son of James and Mary Shackelford Begg, and came to Minnesota July 19, 1894. He received his scholastic education in the public schools of Clifton, South Carolina, the Hartford (Connecticut) public high school and Yale college. His

training for the bar was in the Yale Law school, the law department of the University of Minnesota, and under Marcus D. Grover, general counsel of the Great Northern railway. He was admitted to the bar at St. Paul in June, 1895. At present he is assistant general solicitor of the Great Northern Railway company.

Mr. Begg is unassuming and unpretentious, but none the less thorough, accomplished and effective. At a bar like that of Ramsey county, where the ablest and best lawyers of the country appear, he maintains a most reputable station, which experience will make distinguished.

He has taken an active part in the affairs of his profession, and was a member of the executive committee of the Ramsey County Bar association from 1900 to 1902, and secretary of the State Bar association for the latter year. He is a member of the college fraternities of Delta Kappa Epsilon, Phi Beta Kappa, and Delta Phi. He was married at Hartford, Connecticut, April 21, 1897, to Louise Spencer.

ARTHUR E. BOWE.

Arthur E. Bowe is a native of Ohio, and was born in Ashtabula county in that state in 1847. His father was Daniel Bowe and his mother Lucy E. Bowe.

The family were among the early settlers in Minnesota, coming here from Ohio in 1855, when the subject of this sketch was eight years old.

Mr. Bowe's education began at Northfield, and after selecting the law for his profession, he began its study in the office of Gordon E. Cole, at Faribault. He was admitted to practice at Detroit, Becker county, in 1872.

In 1881 Mr. Bowe married Hallie M. Henderson, and two children, Ralph and Edith, have been born to them.

Moving to St. Paul, Mr. Bowe formed a partnership with M. J. Costello, under the firm name of Bowe & Costello, which was dissolved in 1903, when Mr. Bowe removed to North Yakima, Washington.



Warren H. Mead

Mr. Bowe never attempted to exploit any special line of legal business, but handles in a careful and conservative way any work or cases intrusted to him.

Mr. Bowe is a member of the Modern Woodmen of America.

WARREN H. MEAD.

Warren Hewitt Mead, ex-soldier, is one of the oldest practitioners at the St. Paul bar. Mr. Mead is a descendant of revolutionary stock. His grandfather, Hewitt Mead, who was born at Genoa, New York, participated in the war of 1812, and died at Sackett's Harbor, New York, his father having served in the revolutionary struggle.

Warren Hewitt Mead was born in Genoa, Cayuga county, New York. His father, Lockwood Mead, was also a native of Genoa, and married Susan Miller, a native of New York, but her father, Peter Miller, was a Pennsylvanian and of German extraction.

Warren H. was reared in his native county, and received his education in the schools of New York, having graduated from Cazenovia seminary in 1857, and in the following September went to Kentucky, and engaged in teaching at the Bradfordsville institute. Here he remained until the breaking out of the war. In the summer of 1862 he assisted in recruiting the Sixth Kentucky Cavalry, and upon the organization of that regiment, August 25 of that year, was commissioned first lieutenant of Company "F," and participated in various campaigns against the Confederates in Kentucky and Tennessee, during the latter part of that year and the following winter. At the battle of Chickamauga, he was taken prisoner with ninety men of his command, and taken to Libby prison, and subsequently to prisons in Macon, Georgia, and Charleston, South Carolina, at which last city he was placed by the enemy under the fire of the Union guns, then bombarding Charleston. After several months he was removed to Columbia, South Carolina. He was confined in prisons at above places for a period of over twenty-two months, and finally made his escape, after repeated efforts, at Winnsborough, February 14, 1864, while being

removed from the Columbia prison; and was mustered out of the service on July 14, 1865. After the war he returned to Kentucky and completed his study of law, and was admitted to the bar at Louisville.

In the spring of 1866, soon after his marriage, he removed to Northfield, Minnesota, and engaged for three years in the practice of his profession.

In 1870 Mr. Mead settled in St. Paul, and opened a law office in the Masonic block, which he occupied until 1879, in a partnership under the firm name of Mead & Thompson, which was then dissolved, and Mr. Mead has continued alone in the practice. He has been uniformly successful, and has always been regarded as a careful, painstaking counselor. He has avoided politics, except serving two terms in the state legislature from St. Paul, otherwise devoting his entire attention to his profession.

In his religious views he is a Presbyterian, and an advocate of the temperance cause, and a republican in state and national elections.

March 7, 1866, he was married to Miss Frances A. Hughes, now deceased, and has two children, George H. and Charlotte L. Mead.

JOHN P. KYLE.

John P. Kyle, of St. Paul, was born in County Mayo, Ireland, in April, 1869. His parents were William and Bridget (Vahy) Kyle.

Mr. Kyle received an academic education in his native country, came to America in 1889, and settled in St. Paul. Later he determined to adopt the profession of law, and then entered the law department of the University of Minnesota. He graduated with the class of 1894, took a post graduate course at the same institution in 1896, and received the degree of LL. M. Mr. Kyle then entered the law office of Munn & Thygeson, where he remained until 1890, when he began active practice upon his own account. He has been eminently successful in the line of general practice. He is a member of the State Bar association and of the Ramsey County Bar association; is vice presi-

dent of the St. Paul Athletic club, and second vice president of the Minnesota Boat club.

Mr. Kyle's political affiliations are with the democratic party, and while he has never sought office, he has been an active member of the working force of that party. In religion Mr. Kyle is a Catholic. He is considered one of the energetic and capable young lawyers of St. Paul whose success in the profession is assured.

CHARLES SMITH HOFF.

Charles Smith Hoff was born in the city of St. Paul, February 12, 1873. His parents were Christopher and Christine Hoff, both natives of Norway.

Mr. Hoff began his education in the public schools of St. Paul. He decided to make the law his profession, and began study under Judge William D. Cornish. He then attended the law department of the University of Minnesota, and graduated with the class of 1896.

Mr. Hoff is in general practice and has become recognized as a careful, painstaking counselor, and is successful.

He is a republican in politics and has served his party well in many ways at various times.

He is a member of the Modern Samaritan Lodge.

In May, 1891, Mr. Hoff was married to Elizabeth Olsen, and two girls, Caroline and Clarice, have been born to them.

CHAPTER V.

LAWYERS WHO HAVE ATTAINED DISTINCTION AT THE BAR, UPON THE BENCH, AND IN ADMINISTRATIVE AND MILITARY SERVICE.

CALVIN LUTHER BROWN.

Calvin Luther Brown, associate justice of the supreme court of Minnesota, was born in Goshen, N. H., April 26, 1854. He came to Minnesota with his parents when only about a year old. His father, John H. Brown, was admitted at Chaska in 1856, and continued the practice of his profession until 1875, when he was appointed judge of the twelfth judicial district, by Governor Davis. He continued in that office without opposition until his death in 1890. Judge John H. Brown was a prominent Mason, having held the office of Grand Master of the state and Grand High Priest of the Grand Royal Arch Chapter. He was a judge of unimpeachable integrity and administered the duties of his office with conscientious fidelity.

This family of the Browns were descended from John Brown, who came to this country from England in the ship the "Lyon," in 1632, and settled at Marlborough, Mass. William Brown, the great-great grandfather of the subject of this sketch, served as a private in the revolutionary war. He enlisted at the age of sixteen from the town of Henniker, N. H., in 1781, and served in Col. Henry Dearborn's regiment of the New Hampshire continental line. He was placed on the pension rolls in 1818 and lived until 1855, when died at the age of ninety years. An uncle of Calvin Luther, Hon. L. M. Brown, late of Shakopee, Minnesota, was also a prominent member of the legal profession in this state, and was at one time judge of the eighth judicial district.



D. D. Lusk
"

Judge C. L. Brown was educated in the common schools of Minnesota. He resided at Shakopee until 1871, when his parents removed to Willmar. In 1878, having pursued the study of law with his father, and having been admitted to the bar, he left home at the age of twenty-two, and located at Morris, where he has resided ever since. He has held numerous positions of trust, was elected to the office of county attorney of Stevens county in 1882, and continued in that office until he was appointed judge of the sixteenth judicial district, composed of the counties of Stevens, Grant, Big Stone, Traverse, Pope and Wilkins. He was appointed judge by Governor McGill, and was subsequently elected two terms to the same office, which he held until he was elected to the supreme bench of the state.

Judge Brown has always been identified with the republican party, but has given no particular attention to political matters, his time being devoted exclusively to his profession. He is a prominent member of the Masonic fraternity, having been Grand Master of the state in 1894-95. He belongs to the Minneapolis Consistory, Scottish Rite Masonry, Jubrah Temple, Mystic Shrine, Knights of Pythias and the A. O. U. W. He also belongs to the Minnesota Society, Sons of the American Revolution, and has held the office of a director in the society.

Judge Brown was married in 1879, at Willmar, to Miss Annette Marlow.

DOLSON B. SEARLE.

The life of Judge Dolson Bush Searle, of St. Cloud, has been replete with honorable achievements, material success and social distinction. It was nurtured in the east, his parents having been well-to-do members of a farming community in western New York, near the village of Franklinville, where the subject of this sketch was born, June 4, 1846. His father, Almond D. Searle, who was of English ancestry, was a man of more than ordinary ability and culture. The family was prominent in the early history of England, the first mayor of London

having been a Searle. The mother of Judge Searle, *nec* Jane Ann Scott, is of Scottish extraction and a lineal descendant of Sir Walter Scott. She is a highly cultured woman, and is still living, at the advanced age of four score years. The two grandfathers of our subject, both of whom were pioneer settlers in Whitehall, New York, fought in the War of 1812, while the great-grandfathers participated in the revolutionary and colonial wars. The boyhood of Judge Searle was passed upon the home farm and in attendance at the district school of the neighborhood. He graduated at the academy of his native town, and, upon the breaking out of the civil war, enlisted as a private in Company I, Sixty-fourth Regiment, New York Volunteers. During his term of service, which continued for about two years, he was engaged in the following battles, *viz*: Fair Oaks, Seven Pines, Gaines Mills, Savage Station, White Oak Swamp, Malvern Hill, the second battle of Bull Run and the battle of Antietam, besides other minor engagements. Soon after his discharge from field service, which was granted by reason of disability, he re-enlisted in the regular army, and was detailed for clerical duty in the war department at Washington, District of Columbia. Shortly afterwards he was discharged from the military service by President Lincoln, to accept a civil position in the war department, which he held for several years. During the period of this service he attended and graduated at the Columbian Law college, of Washington. In his clerical capacity Judge Searle had charge of an important branch of the business of the department, and the performance of his duties brought him into confidential relations with President Lincoln and Secretary Stanton, for whom he came to feel a warm affection. He was one of the audience in Ford's theater the night of the president's assassination; and perhaps no one in the whole assembly was more profoundly impressed with the incidents of that fatality than the young department clerk. Upon resigning his clerkship at Washington, he came directly to St. Cloud, which city he has ever since called home. As soon as located here, he associated himself with Hon. E. O. Hamlin as a partner in the firm of Hamlin & Searle. This partnership was dissolved a year later, on the occasion

of Judge Hamlin's removal to Pennsylvania, after which Mr. Searle practiced by himself, with constantly increasing success and broadening reputation. For six years he filled the office of city attorney, and gradually his services came into requisition beyond the limits of St. Cloud. In 1880, as republican candidate for the office of attorney for Stearns county, he was elected by a majority, in spite of the fact that the county ordinarily went strongly democratic. Two years later, and before the expiration of his term of service as county attorney, he was appointed United States district attorney, his appointment being from President Arthur, and served until 1885, tendering his resignation in October of that year to President Cleveland. In October, 1887, he was appointed to the bench of the seventh judicial district of Minnesota. He still serves in this office, having been repeatedly and without opposition re-elected. In his judicial capacity he is acknowledged to have no superiors in the state. He has won special credit by his decisions in such cases as those brought against the notorious "Pine Land Rings" and the "Avon School Case." His declaration in the latter case was the most direct and emphatic ever issued by any court in this country, prohibiting sectarian prayers and religious instruction in the public schools. During his years of general practice, Judge Searle was attorney successively for the Northern Pacific railway, the Minneapolis & Manitoba, the Great Northern and the "Soo" roads. In politics he figured prominently previous to taking the bench, and always with loyalty to the republican party. In 1886-87 he was a member of the state central republican committee, and he played an influential part in the national campaign of 1884. In 1892 he was nominated for congress from the sixth district, and made a notably brilliant campaign, being defeated, however, by a very small majority. Judge Searle is a Knight Templar of the Columbia Commandery of Washington, D. C.; also a Knight of Pythias; and he belongs to the order of Elks. As a member of the Grand Army of the Republic he is prominent, having been appointed, October 24, 1896, aide-de-camp, with the rank of colonel, on the staff of the commander-in-chief of that fraternity. He is now department commander of the Department of

Minnesota, and was last year senior vice-commander. On February 16, 1875, Judge Searle was united in marriage to Elizabeth Clarke, of Worcester, Massachusetts. The one child born to them died at the age of five years. His attitude towards his city has been always that of responsible citizenship; and few, indeed, of progressive enterprises have been instituted which have not received his hearty endorsement and substantial support.

LORIN CRAY.

Judge Lorin Cray, of the sixth judicial district, was born in Clinton county, New York. He came to Minnesota in October, 1859, and upon the outbreak of the civil war enlisted in the Ninth Regiment Minnesota Volunteers, and served three years. He was wounded at the battle of Nashville, Tennessee, in December, 1864. Upon returning from the war he took up the study of law and began practice in May, 1875.

Judge Cray is married and is a resident of Mankato, Minnesota, where he is esteemed as a valued public citizen as well as judge of his district court. He is a republican in party principles and has long ranked as a man of influence in state politics.

W. J. HAHN.

General W. J. Hahn was a resident of Minneapolis for many years prior to his death, which occurred September 23, 1902. He was one of the foremost lawyers of the northwest, and had earned that reputation through his indomitable will power to master the intricacies of his profession, and his personal magnetism as a man possessing broad, though conservative ideas. As a lawyer, he not only enjoyed the admiration of his brothers at the bar, but those in all vocations of life who knew him.

General Hahn was a native of Pennsylvania, and was of German parentage. His education was obtained in his native state. He came to Minnesota in early days, and located in Lake City, where he practiced his profession for many years, and in the early eighties he decided



Lorin Leray

to move to Minneapolis, where litigation was more in evidence. He was attorney general under the two administrations of Governor Pillsbury, and under the succeeding administration of Governor Hubbard. He served in that capacity from 1881 to 1887.

On removing to Minneapolis, General Hahn formed a partnership with Judge Charles H. Woods, which continued until 1892, when he became associated with Newton F. Hawley, under the firm name of Hahn & Hawley. In 1897, Judge Henry C. Belden resigned from the district bench to become a member of this firm, and at the time of General Hahn's death, the firm was known as Hahn, Belden & Hawley.

General Hahn was the second member of the tax commission of the state, being appointed in 1901, and was succeeded by Hon. G. S. Ives, now of St. Paul. This was the last public honor conferred upon this distinguished jurist. His labors in that position were arduous and he had to not only familiarize himself with the intricacies of the Minnesota law, but also tax systems of other states. He visited many eastern cities and held lengthy conferences upon the subject of taxation with public officials.

General Hahn loved his profession, and was inclined to devote too many hours in his office for his declining health, without proper exercise, which, no doubt, was the direct cause of a stroke of apoplexy while trying a case in court and from which he never rallied.

The Hennepin County Bar association, of which he was a member, passed the following resolutions in honor of the deceased brother, which were made a part of the permanent records of the court:

"The last public honor, and possibly the greatest one conferred upon him, was his appointment, in 1901, upon the tax commission of the state. His labors in that position were arduous, unsparing of self, and exhaustive. Into them he put, in a peculiar sense, his life; for his family and friends do not doubt that the physical exhaustion consequent upon these labors and his disappointment at the action of the legislature did much to undermine his health and shorten his days.

"Upon such an occasion as this it is customary and proper to recall the life of the one whose death we mourn and to draw from it lessons of good for those who are still left to labor.

"General Hahn was a warm and sympathizing friend. All who knew him personally felt the influence of this fellowship. It was true and steadfast.

"He was a man of strong convictions. When he made up his mind that a position was right, he held to it steadfastly, notwithstanding all the opposition brought against him.

"He was everywhere and always a man of sterling character and of incorruptible integrity.

"As a lawyer, he was before the courts and jury ever honest, dignified and courteous, never deigning for a moment to stoop to anything inconsistent with the highest professional etiquette; with his clients he was the wise and conservative counselor; to his brethren at the bar, the courteous gentleman. His life is an object lesson for the younger members of the bar, illustrating the truth so often forgotten, that in ours, as in all professions, the highest character and integrity go hand in hand with the truest success.

"In every sphere of life our brother was called upon to fill he tried to do his full duty. Cut off as he was in the midst of his usefulness, his death seems untimely; but he died, as he would have chosen, at the post of duty, after a beautiful and fully rounded out life.

"A true friend; a useful, patriotic citizen; a splendid lawyer; a noble man has left us; but there remains to help and bless us the memory of his well spent life.

"GEORGE P. WILSON,

"W. E. HALE,

"J. R. KINGMAN,

"EMANUEL COHEN,

"CHARLES T. THOMPSON,

Committee."

HENRY J. HORN.

A distinguished and unique figure in the history of the St. Paul bar was the late Henry J. Horn. For nearly half a century he was prominent in its affairs and was one of the very oldest practitioners in point of continuous experience and active service. He was born in Philadelphia, Pennsylvania, March 25, 1821, son of John and Priscilla (Fentham) Horn. The family came originally from Holland

stock, and its male members were men of public affairs in the early days of the Keystone state.

Perhaps no better sketch of Mr. Horn's life could be put on record than that which was embodied in the memorial passed upon by the bar of Ramsey county, and which reads as follows:

"Henry J. Horn died in this city on the 20th day of March, 1902, and the bar of Ramsey county, of which he was so long a distinguished member, considers it appropriate to give expression to the feeling of profound grief which his death has occasioned his professional associates, and to indicate to others than his contemporaries the esteem in which he was justly held during his life.

"Mr. Horn grew to manhood in the city of his birth. He studied law in the office of Henry G. Gilpin, who was attorney general of the United States under President Van Buren, and was admitted to the bar of Pennsylvania in 1849. In 1855 he removed to St. Paul, where he afterwards resided until his death. He held the office of city attorney of the city of St. Paul from 1859 to 1860; was county attorney of Ramsey county from 1864 to 1866; and from 1858 to 1859 was a member of the board of education of St. Paul. He drew the act of 1871 by which the board of public works of the city was organized, and the act of 1872 by which it was reorganized, and the system which still prevails in substance was established. He, with I. V. D. Heard and the late George L. Otis, prepared the revision of the city charter of 1874. The principal features of this charter are still maintained and have been adopted and reaffirmed by two charter commissions.

"He was special counsel for the city in the Smith park litigation, wherein the valuable and extensive tract of land by that name was preserved for public use, and in the levee case, where the water front of the city was reclaimed from private occupation and dominion. In these and many other matters he defended and established the rights of the citizens of this community, and for many years the officers of the city almost instinctively turned to him for counsel and assistance in legal matters of importance.

"It is no exaggeration to say that since Mr. Horn came to this city the very best of his energies and talents have been expended for the public good. The benefits that have been derived from his labors cannot be well overstated. The qualities of the man made his work of special value. He was naturally endowed with clear intelligence,

and to this was added a remarkable capacity for sustained and patient study of any question set before him for solution. He was never overmastered by pet theories or preconceived prejudices; upon all subjects that he had not thoroughly examined he maintained what Gladstone used to term an 'open mind.'

"In the career of Henry J. Horn a conspicuous example is afforded of the value to the commonwealth of the trained and conscientious lawyer. In himself he exemplified the best traditions of his profession. His private life was blameless. It is a pleasure as well as profitable for us to remember that the qualities we have noted did not go unrewarded even in this world. His life, though active, was not a feverish or anxious one. He lived happy and contented, surrounded by those who loved and trusted him, and passed into a serene old age, cherished by the affections of a devoted family and grateful citizens.

"We respectfully request that this memorial, with such other proceedings as may be had, be entered upon the records of court and a copy transmitted to the bereaved family.

"St. Paul, Minn., April 3, 1902.

"(Signed.)

"CHARLES E. FLANDRAU,

"THOMAS WILSON,

"WILLIAM P. MURRAY,

"HARVEY OFFICER,

"JOHN D. O'BRIEN,

"M. L. COUNTRYMAN,

"WILLIAM R. BEGG,

"W. H. YARDLEY,

"Committee of the Ramsey County Bar Association."

Mr. Horn was married in St. Paul, September 1, 1859, to Miss Fannie Bannig, a sister of the well known pioneer bankers of that city. Of eight children five survive, Alexander E. having been associated with his father in the practice of law. Mr. Horn was a member of the House of Hope Presbyterian church and had been an elder in that organization for many years. He was not only a learned lawyer, but a genial Christian gentleman.

With a marked individuality and a sense of integrity that nothing could swerve, he had become one of those whose names will long be



Timothy E. Barnes

remembered by the community in which and for which they so faithfully and fruitfully labored.

TIMOTHY EDWARD BYRNES.

Timothy Edward Byrnes was born at Bellows' Falls, Vermont, November 22, 1853. His parents were Daniel and Hannorah Byrnes. The family moved to Minnesota in May, 1862, and settled upon a farm near Kingston. His early education began in the public schools of Meeker county, and later he was a student at St. John's college. When he was nineteen years old he came to Minneapolis and entered the University of Minnesota, from which institution he was graduated in 1879. Having decided to adopt the profession of law, he entered the office of Lochren, McNair & Gilfillan, where he was a student eighteen months. Here his studies and observations resulted in a determination to always make the best possible preparations for any undertaking he might determine to engage in, and therefore he went to New York City to complete his studies at Columbia law school. After the course at that institution, he returned to Minneapolis, and on October 14, 1881, he was admitted to practice in all the courts of the state.

He was married at Minneapolis, Minnesota, in 1883 to Clara Mar Goodrich, and three boys, George G., Clifford H. and Frederick E. have been born to them.

During the first two years of President Harrison's administration, when William Windom was secretary of the treasury, Mr. Byrnes was in charge of the appointments for that department.

While Mr. Byrnes ranks professionally among the foremost attorneys in Minnesota as a corporation lawyer and advocate before the government departments at Washington, yet in the general public estimation—both state and national—he is considered a political leader in the ranks of the republican party. This estimate of one of the busiest men in his profession is somewhat unique, because of the fact that Mr. Byrnes has never sought or accepted elective office, although

for so many years a prominent, tireless and effective worker in his party's ranks. It is his theory that in this "government of the people" it is every citizen's duty to give time, energy and labor to the promotion and success of such principles of public policy as his party represents. Mr. Byrnes is therefore esteemed a tireless political worker who asks recognition of principles and enforcement of policies, instead of demanding personal preferment. While his political work has been of great service to the republican party, both state and national, and has apparently absorbed much of his time, yet his advancement in his profession is proof that in that direction has been his greatest thought and labor, until now his entire professional time is occupied by corporation cases of importance, particularly for railway companies and corporations which have business before the departments at Washington. Among his clients, Mr. Byrnes numbers some of the largest business interests of the West; and his financial success in his profession enables him to spare the means and time which he devotes so largely to the political interests of the party of his choice.

ALBERT H. HALL.

Albert H. Hall, senior member of the well known law firm of Hall & Kollner, is a native of Ohio. He was born in 1858, came to Austin, Minnesota, in 1872, and to Minneapolis in 1875. He was educated at the state university while he supported himself by night work in the local telegraph and telephone offices. He left the university in his senior year to enter the law office of the late Judge Frederick Hooker. Afterward securing a position in the United States treasury department at Washington, he entered the Columbian law school there in 1882, graduating in 1884. He then resigned his position in the treasury and swung his shingle as a lawyer in Minneapolis.

He took an active part in politics, and for three successive campaigns served as secretary or treasurer of county and congressional committees. In 1889 he was appointed assistant city attorney and served with great credit for two years, during which time he success-



Albert H. Hall.

fully conducted a large number of civil suits for the city, among which were the well remembered garbage dump cases, and prosecuted all criminal cases before the municipal court and appeals therefrom, in which the questions of the limits of that court's criminal jurisdiction were finally determined.

For several years he was engaged in general civil practice. In 1893 he was selected by the grand jury then sitting, and appointed by the late Judge Seagrave Smith as a special assistant to the county attorney, to aid in prosecuting a large number of criminal cases that were crowding the docket.

With characteristic energy he took hold of the accumulated work, and the most brilliant record made in that office is covered by the eighteen months during which he served. During most of that time he sat in continuous daily trial of cases, among them being many of most unique character and great importance, including the notable Scheig and Floyd cases. This period also included the trial of eight homicide cases, closing with the unprecedented Hayward case.

The public will well remember the splendid work done by Mr. Hall in the Harris murder case. A most brutal murder of a respected citizen had been committed by burglars, who had escaped, leaving no apparent trace behind them. Six months later a chance overheard admission of an associate, had led to the arrest and indictment of White and Dugan and two other suspects, but the substantial evidence to establish their guilt was not at hand or known, and seemed inaccessible. The police officials were without a clue. Mr. Hall took up the case after others had abandoned it, and with a skill and precision that seemed directed by intuition, gathered together the proofs, and established a chain of circumstantial evidence that proved impregnable. No deeper mystery ever hung about a criminal case in Hennepin county, nor one whose solution involved more difficulty, but the unravelling was masterly, and will stand as long as it is remembered as a monument to Mr. Hall's genius for close analytical development of evidence.

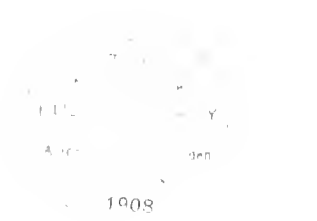
Mr. Hall's last service for the county was in the famous Hayward case. Before nine o'clock on the morning after the murder of Catherine Ging he sat face to face with Harry Hayward in the office of the chief of police, and before midnight he had Hayward's fatal admissions and his explanations in full, covering every point of the case, safely preserved in the notes of a stenographer; had possession of his letters and notes and had entangled the murderer beyond release in the net of his own weaving. He was given his liberty in the morning, but Hall, undaunted by others' doubts, pursued his investigations without rest, and on the following day, upon his own oath and information, swore out the complaints charging Hayward and Blixt with the awful crime. The sensational developments that followed in rapid succession kept the whole country in a fever of excitement.

Through it all, omitting no item or detail, he untiringly collected, preserved and sifted the evidence that made for the state a case perfect and complete.

Others took a more prominent part in the great trial that followed, and have rightfully won and received credit and renown for their services, but though he shone less before the public it is no disparagement to others to say, that from its beginning and throughout that noted prosecution his resistless and untiring energy was the dominating force, and his skill shaped the case of the state.

Mr. Hall has since been in a general practice and has been and is engaged in much important litigation at Minneapolis and throughout the Northwest, where he has earned a high professional standing. He enjoys the reputation of being a loyal and uncompromising champion of his clients, a hard fighter and a generous friend. He is a man of the highest honor and integrity and justly deserves the popularity and esteem in which he is held by those who know him. Save his services on the stump, he has taken little active part in local politics during late years.

Mr. Hall was married in 1882 to Nellie J. Pearson of Hastings, to whom one daughter has been born. They live in a pleasant home in Kenwood.



1908



H. J. McClanahan.

WILLIAM S. McCLENAHAN.

Judge William S. McClenahan, of the fifteenth district court of Minnesota, was born in Baltimore, Maryland, June 10, 1854. He graduated with the degree of A. B. from Dickinson college, Carlisle, Pennsylvania, in 1875, and took the degree of LL. B. from the law department of the University of Maryland in 1880.

He practiced his profession in Baltimore until October, 1882, when he came to Minnesota and located at Brainerd, where he has since resided. He was city attorney for Brainerd for two years and was then elected to the judgeship of his district. He is unmarried. He is republican in politics.

SEAGRAVE SMITH.

Seagrave Smith was born September 16, 1828, at Stafford, Connecticut. His parents were of Welsh and English extraction, and his ancestors were among the early settlers at Scituate and Vexbridge, Massachusetts. Seagrave worked upon his father's farm and attended the schools of the village until fifteen years of age, when he was placed under the tutelage of Rev. Geo. W. Pendleton, a Baptist clergyman, of whose church his parents were members. After three years' study he entered the Connecticut Literary Institute, at Suffield, Connecticut, from which he was graduated in 1848. Having decided upon the law as a profession, his father discouraged his ideas, and offered him a one-half interest in his business and possessions if he would abandon the law as a future vocation. This glittering offer did not deter young Smith from his purpose. He immediately began teaching school and reading law under Alvin T. Hyde, of his native town, which was in September, 1849. He continued his studies until admitted to the bar, August 13, 1852. Soon after his admission he decided to go west, but his mother's gentle persuasion induced him to abandon the idea, and as he was the only child he felt duty bound to remain at home. His mother induced his father to give him a thousand dollars with which to purchase a law library, which he did, and Seagrave, after pur-

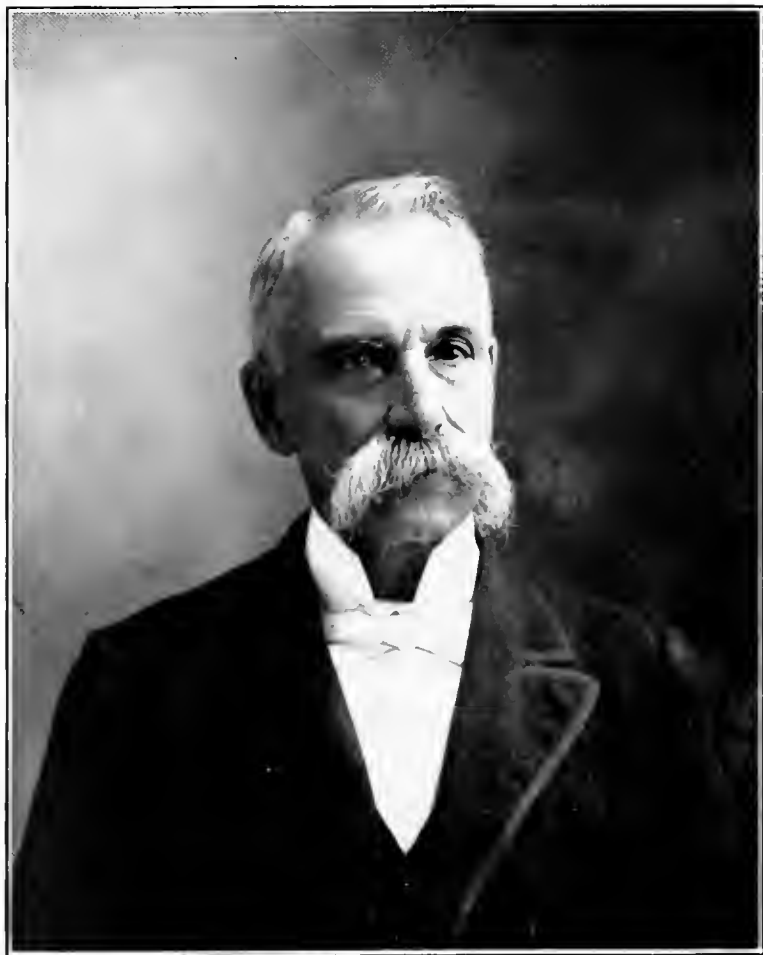
chasing his library, settled down in Colchester, Connecticut, in October, 1852, and began the practice of his profession. In the fall of 1854 he was elected town clerk, in 1855 he was elected as a democrat to the state senate, and still later, was appointed clerk of the probate court of the Colchester district, which office he held until his removal to the west in 1856, and to Minnesota the following spring, locating at Hastings. Here he formed a partnership with J. W. De Silva, and began the practice of law. During his residence in Hastings he was the attorney for the Hastings & Dakota railroad, the St. Paul & Chicago railway, the Minnesota Railway Construction company, and the Chicago, Milwaukee & St. Paul railroad. He also held many important positions while a resident of Dakota county, among which he served as county attorney in 1857, county commissioner in 1860, judge of probate from 1861-63-65, and elected to the state senate in 1867.

In 1875 he ran as an independent candidate for the state senate against Ignatius Donnelly, and was defeated by a small majority. In 1877 Judge Smith moved to Minneapolis and formed a partnership with W. E. Hale, which continued until the spring of 1880, when this partnership was dissolved, and in 1883 he entered into partnership with S. A. Reed, which continued until March, 1889, when he was appointed judge of the district court of the fourth judicial district, and in 1890 he was re-elected without opposition and was again elected in 1896, on the democratic ticket.

Judge Smith was honored by his political friends with numerous nominations to important positions. As a lawyer and a judge he always tried to discharge his duties so as to command the confidence and respect of the profession. Judge Smith was very domestic in his habits and could always be found at home when not engaged in business. He was married three times. His first wife was Miss S. Almira Cady, eldest daughter of Capt. John P. Cady, of Monson, Massachusetts. The issue of this marriage was four children, two sons and two daughters. Two of these are still living, Cady and Claribel. His second wife was Mrs. Fedelia P. Hatch. By this marriage he had one son. For his third wife he married Mrs. Harriet P. Norton, who survives him.



Seagrave Smith



H. H. Miner

NELSON H. MINER.

Nelson H. Miner was born of Hiram and Eliza Miner, at Shoreham, Vermont, January 26, 1833. His grandfather, Richard Miner, was a soldier in the war of the revolution and was in the battle of Bennington under General Stark.

Mr. Miner's early education began in the country schools and he afterwards entered the Franklin academy at Malone, New York, where he studied for three years, meanwhile paying his expenses from what he could earn by teaching and farm work during vacations. He began the study of law in the office of Parmelee & Fitch in Malone, and was admitted to the bar of New York state in 1856. He practiced his profession two years in St. Lawrence and Franklin counties in New York, and then moved to Waupun, Wisconsin, in 1858. In November, 1860, Mr. Miner came to Minnesota, and in April, 1861, he enlisted in Company E, First Minnesota Infantry, for the three months' service. At the time of the reorganization of the regiment under the three-years' enlistment, he was confined to his bed by illness and was thus prevented from re-enlisting. But on the breaking out of the Sioux war in 1862, he volunteered, and went with Captain Northrup's company to the relief of Fort Ridgely. August 29, 1864, he enlisted in Company E, of Hatch's battalion, and served on the Minnesota frontier until discharged with his company May 1, 1866.

During the same month Mr. Miner went to Sauk Center, Minnesota, and renewed the practice of law.

January 1, 1870, he formed a partnership with A. Barto (who afterwards became lieutenant governor of the state), under the firm name of Miner & Barto, and the firm continued for ten years, when Mr. L. A. Barto, son of Lieutenant Governor Barto, became Mr. Miner's partner in the practice. He early became identified with educational matters, was for several years a member of the board of education of St. Anthony, and drafted the act by which the board of education of Sauk Center was incorporated. He served as a member and secretary of that board for many years.

•

In 1867 and 1868 Mr. Miner was a member of the state legislature, and during that time he drafted and secured the passage of the act abolishing capital punishment. He has served two terms as mayor of Sauk Center and has always been esteemed as a worthy and leading citizen. He is a member of the Masonic order, of the Grand Army of the Republic and of the Knights of Pythias. He attends the Protestant Episcopal church.

January 1, 1857, Mr. Miner was married to Julia E. Martin, to whom three children were born: Gertrude Eliza, Helen Adeline, and Jessie Freemont. Mrs. Miner died April 9, 1872. On November 13, 1874, he was married to Kate Martin, his present wife.

ROBERT J. WELLS.

Robert J. Wells, of Breckenridge, is not only one of the leading lawyers of the place, but one of its foremost citizens. He is a native of Dane county, Wisconsin, born in 1856. At four years of age he moved to Eau Claire, where he remained until he was twenty-one. In 1878 he went to the Red River valley and in 1889 settled in Breckenridge. He served there as clerk of the district court until 1899, at which time he resigned to continue the practice of law. He had been admitted in 1888, and his knowledge of the law was acquired by study at home.

Mr. Wells is the present state representative from his district, and he has held many local offices from time to time. He has large property interests in and about Breckenridge.

He was married in 1889 to Sadie E. Langford, of Dodge Center, Minnesota.

HORACE AUSTIN.

Horace Austin, the sixth governor of Minnesota, was born October 15, 1831, at Canterbury, Connecticut, the son of a well-to-do farmer. After finishing his education in an academy at Litchfield, Maine, he taught at Belgrade Academy, in the same state, of which institution he was principal for a short time. He studied law at Augusta, Maine, in the office of Lot M. Morrill, afterwards United States

senator, and in 1856, at the age of twenty-five, came to Minnesota, and located at St. Peter. In 1862 he enlisted as a lieutenant and was promoted to captain of cavalry, taking an active part in the Sibley campaign against the Indians on the Missouri. The year following he was elected judge of the sixth judicial district. His advancement was rapid after this, and in 1869 he was elected governor by about two thousand majority. A glance at his inaugural address will give some idea of the man and of the condition of the state in this early day. He reviewed many of the questions then agitating the people, some of which lived into the next decade, while others are still pressing for solution, and his advice was always sound and timely. He advocated the revision of the criminal code, which was so intricate, even in that day, as often to lead to injustice. He advocated the improvement of the Duluth harbor, and saw very clearly the future importance of Duluth as a shipping point for the products of the Northwest. He was opposed to excessive special legislation, which in those days frequently crowded out more important legislation of general interest. He recommended that state and federal elections should come in the same year. In the early seventies the people of Minnesota enjoyed the luxury of an election every year. He suggested a convention to prepare a new state constitution, believing the original constitution to be no longer suited to the needs of the people. That old constitution, however, is still the supreme law of the state, and the failure to secure a constitutional convention in 1871 was repeated in 1896. The internal improvement lands previously granted to the state by congress had not been set apart for public use at the time of Governor Austin's election, and the legislature of 1871 apportioned them among a number of railroad corporations. Governor Austin promptly vetoed the bill, which led to an amendment to the constitution prohibiting the legislature from appropriating the proceeds arising from the sale of these lands unless consent was first given by the people at the polls. After serving two years with honor, to himself and credit to the state, Governor Austin was re-elected in 1871 by sixteen thousand majority. In his inaugural message of 1872 he made a strong appeal for biennial

sessions of the legislature, an appeal to which the future was not slow to respond. Shortly after his second term as governor Mr. Austin became third auditor of the United States treasury, a position which he filled under Secretaries Bristow, Morrill and Sherman. Following this he was for seven years in the department of the interior, and subsequently he was a member of the Minnesota railroad and warehouse commission, and later practiced law in Minneapolis for some time. He is a member of the Loyal Legion. Mr. Austin was married in March, 1859, to Miss Mary Lena Morrill, of Augusta, Maine. Of six children, one son and five daughters, all are living save one daughter.

JOSEPH B. COTTON.

Joseph Bell Cotton, of Duluth, Minnesota, is a native of Indiana, born on a farm near Albion, in Noble county, January 6, 1865. He is the son of Dr. John and Elizabeth J. (Riddle) Cotton. His parents (who are now deceased) were both natives of Ohio, and Dr. Cotton was a graduate of Rush Medical college, Chicago. On his father's side Joseph B. is related to the late Rev. Phillips Brooks, D. D., long the distinguished pastor of Trinity church, Boston, Massachusetts. The subject of this sketch was reared upon the home farm in Indiana, in the work of which he participated until sixteen, since which age he has made his own way in the world. His education was begun in the school of the district in which he grew up, and continued in the high school at Albion. He next became a student in the Michigan Agricultural and Mechanical college, at Lansing; and during his college course he distinguished himself by his oratorical gift, being chosen class orator for both his junior and senior years, and being also one of the eight commencement orators selected by the faculty from the graduating class with reference to scholarship and general rank. He graduated from this institution, with the degree of B. S., in the class of 1886; but being offered by his alma mater a position as tutor in mathematics, he remained in Lansing for two years longer, meantime reading law under the direction of Hon. Edwin Willits, then president of the college and a former member of congress from



Arthur G. Cotton

Michigan. June 13, 1888, before the supreme court of Michigan. Mr. Cotton was admitted to the bar, and shortly afterwards came to Duluth and located for professional practice. It was during the heat of the Harrison campaign that he arrived in Duluth, and, catching the spirit of the occasion, he plunged at once into politics, soon becoming very popular with the republican constituency. In the fall of 1892 he was nominated by acclamation for representative from St. Louis, Lake and Cook counties, to the state legislature, and was duly elected, receiving the heaviest ballot of any candidate from the district. A strong incentive for entering the legislature was his interest in securing a third judge for the eleventh judicial district. He accordingly introduced the desired measure, and was chiefly instrumental in its passage. He also took an effectual part in putting through the bill which secured the new state capitol, and participated with equal force in the defeat of the proposed terminal elevator bill. While in the house he served on numerous committees, including those on the judiciary, municipal corporation, grain, warehouse, tax and tax laws. His power as an orator was brought into full play in a fervent and eloquent speech which nominated Senator C. K. Davis for re-election and won new laurels for himself. In 1891 Mr. Cotton became a member of the law firm of Cotton & Dibble, recently changed by the admission of a new member, to Cotton, Dibble & Reynolds; and upon the completion of his term of office in the state legislature, he accepted the position, which he still holds, of attorney for the Duluth, Messabe & Northern Railway company, and for the Lake Superior Consolidated Iron mines. He is also vice president and managing owner of the Bessemer Steamship company, besides being vice president of several companies operating mines on the Messabe range. For the last three years Mr. Cotton's practice has been exclusively in the department of corporation law, and he has been connected with much important litigation, both in this state and Wisconsin. In the case brought in the United States circuit court, of McKinley vs. Lake Superior Consolidated Iron mines, which involved the McKinley mine on the Messabe range, he was one of the counsel for the defense, as also in

the celebrated case of Merritt vs. Rockefeller, which developed from mining transactions on the Messabe and Gogebic ranges immediately preceding and during the financial crisis of 1893, and is still pending in the United States courts. Mr. Cotton is a Knight Templar and member of the Mystic Shrine, having attained to the thirty-second degree in Masonry. He also belongs to the order of Elks, and to that of the Red Cross of Constantine. Mr. Cotton has been married, but has no children.

HON. EDMUND W. BAZILLE.

Hon. Edmund W. Bazille, probate judge of Ramsey county, was born in St. Paul. He comes of one of the first white families in Minnesota. His father, Charles Bazille, a French Canadian, was born at Nicollet, Canada, in 1812, came to St. Paul in the fall of 1843, with Capt. Louis Robert, a prominent Minnesota pioneer; married Anna Jane Perry in December, 1845, and thereafter lived in St. Paul, dying in 1878. He was a contractor and built for Captain Robert the first frame house in St. Paul. His home was on a claim which he entered, and which included the land north of Seventh street, between Cedar and St. Peter, extending back to the bluff upon which the new capitol now stands. The square or block now owned by the state, and on which the present state capitol building stands, was a gift from Chas. Bazille to the United States for capitol purposes. He was generous almost to recklessness, and gave away many other lots and blocks now worth hundreds of thousands of dollars, and died in moderate circumstances, but rich in the esteem of his fellow citizens. Judge Bazille's maternal grandfather, Abraham Perret (or Perry, as the name is commonly written), was a Swiss-Frenchman, who came with his family from Winnipeg in 1826, to near Fort Snelling, where the judge's mother was born in 1831. He died in St. Paul in 1849, and his widow ten years later.

Judge Bazille was educated in the St. Paul public schools, and later took a course in the St. Paul Business college. He studied law under the instructions of Hon. W. D. Cornish for three years, and was ad-



Very truly Yours
Edmund W. Bazelle

mitted to practice in the Ramsey county district court. From 1883 to 1887, he was a deputy clerk of the district court. For four years thereafter he was chief clerk of the county abstract office and for three years was engaged in the practice of law. He was elected abstract clerk of Ramsey county in 1894, and re-elected in 1896, serving four years. In 1898 he was elected probate judge and re-elected in 1900, 1902 and 1904.

He has always served efficiently. As abstract clerk his service was especially valuable. He straightened the somewhat tangled records of the office and brought all the books into perfect condition, making them models of their kind. He has made an excellent judge of the probate court, a position requiring for its successful conduct legal ability at all times, and sometimes rare good judgment and a natural knowledge of the rights of individuals and the demands of equal and exact justice.

He is socially well known and is a member of several civic orders, including the three degrees of the Odd Fellows, St. Paul Lodge No 59; B. P. O. E., both of the Woodmen orders, Nineveh Zodiac No. 4, A. A. M., the Independent Order of Foresters, Knights of Columbus, the Junior Pioneers, the Union Francaise, the U. D. S. C. of the United States, the Commercial club of St. Paul, and a member of its board of directors; the St. Paul Rod and Gun club, and he is also a member of the Chamber of Commerce. He was married to Miss Clare M. Gravel, and has one child, a son, C. Arthur Bazille, now a student at the state university.

WILLIAM P. MURRAY.

One of the best known men in Minnesota is William P. Murray, who is probably entitled to the honor of having practiced law a greater number of years in St. Paul than any lawyer now living in the state. Mr. Murray came to St. Paul in 1849, has resided in that city to the present time, and is still active, and a citizen of prominence and usefulness.

Mr. Murray was born at Hamilton, Ohio, June 21, 1825, the only child of John L. and Jane W. (McCullough) Murray. His paternal grandfather, William Murray, was a native of Ireland, and was one of the pioneer settlers in southwestern Ohio. At the age of seventeen young Murray was sent to the Miami university, at Oxford, Ohio, where he studied two years and then entered the law office of Olin P. Morton, at Centerville. After reading law in Governor Morton's office more than two years, he entered the law department of the University of Indiana, from which institution he graduated.

Since 1851, when Mr. Murray was elected a member of the lower house of the territorial legislature, he has been constantly one of the most active and valuable citizens of St. Paul and the state. More than half of the years of his citizenship have been devoted to the public service in various official positions, and he has always been ready to sacrifice his personal interests for the sake of St. Paul's advancement. He is without a rival in the confidence, esteem and affection of the people of St. Paul.

JARED HOW.

Jared How, senior member of the well known law firm, How, Taylor & Mitchell, of St. Paul, was born in Haverhill, Massachusetts, December 9, 1857, the son of Phideas Berkeley How and Abby (Clark) How. He is descended on his father's side from a family well known in the commercial and legal life of Massachusetts, which settled in Ipswich, Massachusetts, probably in about 1630; and on his mother's side from a family of which Judge Greenleaf Clark is a member. He was educated at private and public schools until 1874, when he entered Highland Military academy, of Worcester, Massachusetts, from which he was graduated in 1876. In October, 1877, he started to prepare for Harvard college, and completed his preparation in a period of eight months. He was graduated from Harvard with a degree of A. B. in 1881, and in December of the same year entered the Harvard Law school as a special student. His work in the first year was sufficient to qualify him as a regular student for the second year, but he left at

the end of the second year without applying for a degree, and came to St. Paul in August, 1883. He studied law in the office of Bigelow, Flandrau & Squires until 1885, when the firm of Clark, Eller & How, consisting of Greenleaf Clark, the late Homer C. Eller and himself, was formed. This firm was dissolved January 1, 1888, by the withdrawal of Judge Clark from active practice, and the firm of Eller & How continued until 1896, when Pierce Butler was added to it, the firm name being Eller, How & Butler. Upon the decease of Mr. Eller, soon after, the firm became How & Butler, and so continued until the first of September, 1899, when it was dissolved by the withdrawal of Mr. Butler from general practice, and the new firm of How & Taylor, consisting of the subject of this sketch and Carl Taylor—then first assistant corporation counsel of the city of St. Paul—was formed. Later, Wm. D. Mitchell was taken into the firm, and still continues the general practice of law. This is the bare outline of the life and professional career of Mr. How. For those who are acquainted with the character and professional attainments of his former and present associates, this is sufficient. To have been so intimately associated with Greenleaf Clark and Homer C. Eller speaks more convincingly of Mr. How's character and standing at the bar than any words we could write; not that he has shone by their reflected light, but that such connections are a sure index of his own high character and ability. Mr. How undoubtedly possesses all of the qualities thus indicated. He is universally regarded as one of the leaders of the bar of St. Paul, a learned lawyer, safe counselor, forcible and convincing advocate. His mind is clear and discriminating, and his power of applying the law to the facts of the particular case singularly unerring. He has been employed in very many of the most important cases in the courts of this state, and enjoys the respect and confidence of the judges to an unusual extent. His present firm has an extensive practice. But the distinguishing feature of Mr. How's character may be said to be his strict sense of professional as well as personal integrity. He is himself honest beyond suspicion, both in his private life and in the practice of his profession, and is intolerant of deceit in others and a foe to dishonesty

or meanness wherever he sees or suspects it. He measures others by his own high standard, and this occasionally leads him to be over severe and critical. Mr. How has never married. He lives in comfortable bachelor apartments, is fond of books and of club life. His library is his pride and the envy of his friends. He is a member of the Minnesota club, Town and Country club of St. Paul, and the University club of New York.

HIRAM FAIRCHILD STEVENS.

Hiram Fairchild Stevens, recently deceased, was well known as one of the leading lawyers of Minnesota. He was born at St. Albans, Vermont, September 11, 1852. His father, Dr. H. F. Stevens—for whom he was named—was an eminent physician. He was at one time president of the Vermont state medical society, was an army surgeon during the war of the rebellion, and was at different periods a member of both houses of the Vermont legislature. Dr. Stevens' wife was, before her marriage, Miss Louise I. Johnson, of St. Albans.

The death of his father, in 1866, left Hiram F. Stevens, a boy of 14, to fight the battle of life under most adverse circumstances. He was the eldest of four children, and for a considerable time he was forced to labor, not alone for his own support, but to assist the family. For several seasons he worked on a farm, clerked in a country store, etc. But at intervals, in the meantime, he attended school, graduated from Kimball Union Academy at Meriden, New Hampshire, and finally was enabled to complete his education at the University of Vermont, which institution, in 1902, conferred upon Mr. Stevens the degree of LL.D. He studied law in the office of Judge John K. Porter, of New York City, and finished his legal studies in the Columbia College law school, from which he was graduated in 1874. Upon his admission to the bar he formed a law partnership in his native town, and soon acquired a good practice and an enviable reputation.

In December, 1879, Mr. Stevens came to St. Paul and became a member of the legal firm of Warner, Stevens & Lawrence. Seven years later he withdrew from the firm and became the counsel of the



H. F. Stevens



St. Paul Title Insurance & Trust company for several years. Subsequently he formed his latest business relation with the firm of Stevens, O'Brien, Cole & Albrecht.

As a general practitioner, and especially in the civil law, Mr. Stevens was regarded as one of the best and most accomplished lawyers in the Northwest. His legal business was very large and important, requiring a varied and thorough knowledge, close application, and much hard and exacting work. He was successful, as the result of his efforts, to an enviable extent.

No other lawyer in the country was better identified with or known to the profession. He was one of the organizers and constituent members of the American Bar association at Saratoga, New York, in 1878, and was vice president of that organization for Minnesota; was one of the first members and was the first secretary of the Vermont Bar association; assisted in the organization of the St. Paul Bar association, and has been its president; was the first secretary of the Minnesota Bar Association, and has served as its president. He has been one of the faculty of the law department of the Minnesota state university, and was dean and one of the lecturers of the St. Paul college of law. His most recent active work was as chairman of the commission engaged in the revision of the state statutes.

He had always been a republican in politics and had taken an active interest in his party's affairs, serving on committees and working in the field in many a campaign. As an advocate and a speaker, whether at the bar, on the rostrum, in a legislative hall, or on the stump, he was always attractive, forceful and effective. His speech was fluent but forcible, scholarly and eloquent but clear and plain, always graceful and pleasing, and uniformly earnest and impressive.

Mr. Stevens performed his share of public service. In 1888 he was elected to the state legislature as a member of the house, and upon the organization was made chairman of the judiciary committee. Among the important measures which became laws at that session, and of which he was either the author or the most influential advocate, was the law for the sanitary inspection of factories; a bill creating a pension

fund for disabled policemen and their widows; a bill requiring proprietors of stores to furnish seats for their female employes, the law of mechanics' liens, the Australian election law, and a bill which increased Ramsey county's representation in the legislature by 40 per cent. In 1890, when the democrats were so generally successful in Ramsey county, he was elected to the state senate from a strong democratic district. His service was again conspicuous and acceptable, and in 1894 he was again elected to the senate, defeating the old democratic "war horse," Hon. Michael Doran, by a large majority. He was chairman of the senate judiciary committee and one of the most popular and influential members of that body. Thoroughly familiar with the constitution and legislative rules, he made a superior parliamentarian, and was often called upon to preside over the senate and to maintain its deliberations in order.

His mental resources were as varied as they were deep and strong. He was a lawyer, a business man, a legislator, a scholar, a writer, a politician, a public-spirited citizen, and a gentleman of social tastes and accomplished manners. Had he been aggressive in the advancement of his own personal interests he would long ago have occupied conspicuous public positions. For many years he was a leading member of the St. Paul Chamber of Commerce, and for several years after 1888 he was president of the city board of park commissioners.

Mr. Stevens was a Mason in high standing, had been a member of the Vermont Grand Lodge and prelate of Damascus commandery, K. T., of St. Paul. He was also an Odd Fellow and a Knight of Pythias. A son of a Union soldier, he had a natural military spirit and had taken an active interest and part in military affairs. He was for five years a member of the Vermont national guard, serving in the "Ransom Guards," a company with a reputation for proficiency in drill and general excellence.

January 26, 1876, Mr. Stevens married Miss Laura A. Clary, of Massena, New York. Mrs. Stevens is a well known and most estimable lady, charming in person and most beautiful in character, and has been a most worthy and efficient helpmeet for her husband. Mr. Stevens



D. F. Morgan

was a member of St. Paul's Episcopal church of St. Paul, of which he had long served as vestryman.

DARIUS F. MORGAN.

The late Darius F. Morgan, of Minneapolis, was widely and favorably known, not only in the city of his residence, but throughout the state of Minnesota, both for the prominence he attained in his profession of the law and for his services to the public in legislative halls, which were recognized as of unusual importance.

Mr. Morgan was born in Jackson county, Iowa, in February, 1834. His paternal ancestry originated in Wales, emigrated to New England about the middle of the eighteenth century, and became conspicuous and honored in the revolutionary struggle for liberty. By his mother, Ruth Duprey, of Meadville, Pennsylvania, he is descended from one of the prominent French Huguenot families of early colonial times. His father, Harley Morgan, was a native of Vergennes, Vermont, and in 1842 he moved west with his family and settled in Jackson county, Iowa. Fourteen years later he moved, while Darius F. was a lad, to Winneshiek county, Iowa, where young Morgan spent his boyhood days and laid the foundations for his education in the local schools. In 1876 Mr. Morgan determined to study law, and in the following year he was admitted to the bar at Austin, Minnesota. In 1878 he went to Albert Lea and formed a partnership with John L. Lovely. This partnership lasted ten years. In 1888 Mr. Morgan was elected to represent Freeborn county in the state legislature, and in the session of 1889 he was chairman of the important committee on appropriations.

In 1890 Mr. Morgan's reputation was favorable throughout the state, and he concluded to seek wider fields in his profession than could be had at Albert Lea, and he moved to Minneapolis. He at once formed a partnership with W. H. Eustis, which was terminated by the latter's election as mayor of Minneapolis in 1892. In May, 1893, the firm of Hale, Morgan & Montgomery was formed, and at once

became recognized as one of the strongest firms of the Hennepin county bar. In 1894 Mr. Morgan was sent to represent the thirty-second district in the state senate for a term of four years. He became a member of the judiciary committee of the senate, served thereon with distinction, and was also chairman of the finance committee. In 1897 he was chairman of the committee on corporations and a member of the committee on taxes and tax laws.

Mr. Morgan was a republican in politics and his eloquence as a speaker made him in constant demand in political campaigns.

In 1876 he was married to Ella M. Hayward, of Waukon, Iowa, and a son and two daughters were born to the union. Mrs. Morgan died in March, 1893, and several years afterwards Mr. Morgan married Mrs. Lizette F. Davis, of Auburn, New York. He was a member of the Elks, and was an attendant at Gethsemane Episcopal church.

Mr. Morgan died April 27, 1903, recognized as one of the leading lawyers of Minnesota and a prominent and valued citizen of Minneapolis.

F. W. ROOT.

F. W. Root, of the legal department of the Chicago, Milwaukee & St. Paul Railway company, is one of the prominent citizens of Merriam Park, St. Paul, and is rapidly achieving a first place among the corporation lawyers of Minnesota.

Mr. Root was born at Guilford, New York, August 7, 1855, son of Silas and Matilda Root. His early education was in the common schools, and later at Oxford academy, Chenango county, New York. He then studied law three years in the office of Henry R. Mygatt at Oxford. He was admitted to the bar at the general term of the supreme court of New York, at Ithaca, May 4, 1880.

In October, 1881, Mr. Root came west and located at St. Paul, where for a time he was associated with Jackson & Pond. In the fall of 1882, he went with Mr. Norris, solicitor of the Chicago, Milwaukee & St. Paul Railway company, in the capacity of law clerk; a position



J. H. Root

which he filled so zealously and well as to gain the high regard and appreciation of his chief.

In 1889, Mr. Root began to handle cases by himself, especially personal injury cases, in both state and federal courts, and met with decided success. Later the trial of important cases involving freight transportation was added to his specialty.

Mr. Root's keen insight into human nature, his persistency in work and his superior judgment have resulted in his attainment of high position, not only as a trial lawyer, but also as a ready business lawyer.

As a neighbor and citizen Mr. Root stands among the foremost in the community of his residence. He has always avoided political preferment, although an earnest worker in local republican politics in the interest of good government in his residence district. His reputation as a successful corporation lawyer is growing rapidly, and is becoming recognized throughout the state.

MARSHALL B. WEBBER.

The life history of Marshall Bailey Webber, of Winona, which covers nearly half a century, belongs in nearly equal portions to the two states, Wisconsin and Minnesota. By birth, education and experience he is a true son of the northwest, but genealogical records show him to be connected, through a long line of New Englanders, with a remote ancestry in the mother country. Early Webbers, crossing to our shores, figured in the colonial history of Massachusetts, and both the grandfather and father of Marshall B. were natives of the old Bay State. The grandfather, Loren Webber, was a Baptist of the strictest Puritan type, and governed his household in consistency with his faith. His son, Samuel, father of our subject, was born July 11, 1822, in Holland, Hampton county, Massachusetts, grew to manhood in his native state, and was for three years employed in a cotton factory in the town of Sturbridge. In 1837 he came to Wisconsin with his father, who then secured a large tract of government land for farming purposes. They settled upon it, in Raymond township, Racine

county, and for years father and son labored together upon the virgin soil. January 1, 1885, the senior Webber died, at the extreme age of ninety-four years. The maternal grandfather of Marshall B. Webber was Jonathan Bailey, a New Hampshire farmer and school teacher, who figured as an ardent whig in the early politics of the Granite State. In 1841 he also emigrated to Racine county, Wisconsin, with his family, which consisted of a wife and four children. On October 2, 1842, one of these children, Sabra Amelia Bailey, was married to Samuel Webber, and August 2, 1850, the subject of this sketch was born. Marshall B. Webber lived, to the age of eighteen, upon the home farm, which was a section of the original tract taken up by his grandfather, and which was cultivated by his father until recent years. Samuel Webber, who now lives in Racine, Wisconsin, is the oldest resident of that county, and is widely known as an influential and public spirited citizen. Marshall B. acquired an elementary education in his native town of Raymond, which he later supplemented by a high school course at Racine. After finishing at the high school he did two years of preparatory work in a private seminary, then went to Michigan and matriculated at Hillsdale college. He graduated from that institution in 1875, and in the following autumn came to live in Winona, Minnesota. He entered the office of Hon. W. H. Yale as a student, and after reading law for about two years was admitted, in the fall of 1877, to the bar of Winona county. He became associated in a partnership with Governor Yale, which was discontinued two years later on the election of Mr. Webber to the office of prosecuting state's attorney. After the expiration of his two years' term of service as prosecuting attorney he pursued an independent practice until 1895, in the autumn of which year he entered into partnership with Edward Lees, thus forming the present well known firm of Webber & Lees. Mr. Webber's professional career has, from its beginning, been characterized by a gratifying freedom from reverses. Alike in his partnerships and as an individual practitioner he has prospered, not in a phenomenal way, but by slow and sure progression, until to-day he is recognized by the city of Winona as one of the leading members



Fred. B. May Jr.

of her bar and a prominent citizen of the state. For many years he has played a prominent part in the litigation of the great bulk of important civil causes in southern Minnesota, and as a trial lawyer in cases of a corporate character he has had large experience and signal success. Mr. Webber is at present counsel for both the Chicago, Milwaukee & St. Paul and the Chicago, Burlington & Quincy railroads. In politics, although never controlled solely by partisan sentiment, Mr. Webber has always been identified with the republican party. He has no political history in the sense of office holding, but has always held a prominent place in the councils of his party, being for several years a member of the state central committee. His time and energies have been very largely absorbed by his professional work. He belongs to the order of Knights of Pythias, and has occupied all the chairs of Winona Lodge, No. 21, of which he is one of the oldest members. He belongs, also, to the order of the Good Samaritan, and is a member of the Meadow Brook Golf club, and interested in healthy athletic sports of all kinds. On January 2, 1879, Mr. Webber was married to Miss Agnes M. Robertson, of Hillsdale, Michigan. Mr. and Mrs. Webber are regular attendants at St. Paul's Episcopal church of Winona, prominent in social circles, and both in church-directed philanthropy and in secular enterprise Mr. Webber is loyal in his support of worthy and progressive measures.

FRED B. SNYDER.

Fred B. Snyder, of Minneapolis, occupies a prominent place among the representative men of Minnesota, few of her residents having done more for the general good of the public. He was born February 21, 1859, in the city of Minneapolis, which has always been his home and where every one knows and esteems him. His parents are Simon P. and Mary R. Snyder. Obtaining a good common school education in the public schools, he entered the University of Minnesota, graduating in the class of 1881, and then read law in the office of Lochren, McNair & Gilfillan and Koon, Merrill & Keith.

Mr. Snyder was admitted to practice in Minneapolis in 1882, and from that year until 1888 was in partnership with Judge Robert Jamison, under the firm name of Snyder & Jamison. Mr. Snyder is now associated with Edward C. Gale, the firm of Snyder & Gale. They have made a special study of real estate and corporation cases, most of Mr. Snyder's time being given to that work. He practices before all state and federal courts, and has appeared in some of the important trials in the city.

He is attorney for the C. A. Smith Lumber Company, Western Realty Company, Bemis Brother Bag Company and others.

He is administrator of the estate of John S. Pillsbury, and his services are in frequent demand when care, precision and integrity are needed. As attorney for ex-Governor Pillsbury he attacked the so-called second plan in the Minneapolis city charter for laying sewers. This system was overthrown on the grounds that it was unconstitutional and the city compelled to return to the taxpayers a large sum of money which had been illegally collected for over assessments in the construction of sewers. *State vs. Pillsbury*, 82 Minn. 359. Another important case in which he was counsel was the *State ex rel. Wallace B. Douglas vs. William P. Westfall*, 85 Minn. 437. In this trial he successfully upheld the constitutionality of the "Torrens Law," relating to land titles, and, as it was a test case, one of peculiar importance. He has also had broad experience in the closing of insolvent estates. He acted as trustee and attorney in winding up the affairs of the Barber Milling Co., and was attorney for the receivers of the Northern Trust Company, both of which estates had liabilities exceeding half a million dollars and large assets seriously complicated.

Mr. Snyder has been prominently before the public for several years, having been chosen to fill a number of offices of trust. From 1893 to 1896 he represented the Second ward as alderman of the city of Minneapolis, the last two years being president of the city council and acting mayor of the city. Mr. Snyder introduced in the council, and was instrumental in having passed, an ordinance reducing the price of gas from \$1.60 to \$1.30 per thousand. He also introduced

and passed resolutions annulling former authority given to the Minneapolis Street Car Company to erect a central transfer depot in Bridge Square, and he supported the ordinance requiring transfers to be used on the cars. Those who had watched him through all these proceedings felt that they could trust their interests in his hands in the halls of legislation.

In 1897 he was nominated by the republicans for the legislature and received a flattering majority, his fearless and decided stand for right in the council having won him the support of all the better element. The University of Minnesota is located in the Thirty-ninth district, which Mr. Snyder represented, and he introduced and had passed a bill increasing the annual tax for the support of this institution from .15 mills to .23 mills on total assessed value of state. In 1899 he was sent to the senate, where he has since been continuously, and here, as elsewhere, he has been active in looking after the public welfare. He supported the increase of gross earnings tax on railroads from 3 to 4 per cent, advocated progressive tax legislation and drew, introduced and had passed the Torrens Land Title bill which is now a law. General Laws 1901, Chapter 237.

His public and private life have been above reproach. He enjoys the respect, esteem and confidence of the people. He is a member of the Chi Psi and Phi Betta Kappa, and also occupies a prominent place in the membership of the Commercial and Minneapolis clubs. He is president of the Alumni Association of the University of Minnesota.

Mr. Snyder has been twice married, first in 1885 to Miss Susan M. Pillsbury, daughter of ex-Gov. John S. Pillsbury, who died in 1891, leaving one son, John Pillsbury Snyder, a youth of fifteen years. In 1896 Mr. Snyder was united in marriage to Miss Leonora S. Dickson, of Pittsburg, Pennsylvania, and one child, Mary Stuart, aged five years, has been born to them.

CHARLES W. BUNN.

Charles W. Bunn, of St. Paul, was born in Trempealeau county, Wisconsin, May 21, 1855. He is the son of Romanzo and Sarah

(Purdy) Bunn, natives of New York, and residents of Wisconsin since 1854. His father has been for over thirty years one of the most prominent jurists of the northwest, and for over twenty-two years he has served as United States district judge for the western district of Wisconsin. Charles W. passed his early boyhood in Sparta, Monroe county, Wisconsin, where he attended the public schools until he was prepared to enter the University of Wisconsin, 1870. He completed the full college course, and received his degree from that institution in 1874, and immediately afterwards commenced the study of law in the office of J. H. Carpenter, at Madison. He afterwards entered the law department of the University of Wisconsin, and received the degree of LL. B., from that institution in 1875. He immediately afterwards entered the office of Cameron & Losey, of La Crosse, Wisconsin, as a clerk, and in January, 1876, became a partner in that firm under the firm name of Cameron, Losey & Bunn. His connection with this firm, one of the most prominent in the state of Wisconsin, continued until 1885, when he removed to St. Paul, and there continued the practice of the law as a member of the firm of Lusk & Bunn, his associate being Mr. James W. Lusk. The business of this firm soon assumed large proportions, and in 1890 Mr. Emerson Hadley was admitted, the firm name becoming Lusk, Bunn & Hadley. In 1892 Mr. Lusk retired from the firm, which continued business under the firm name of Bunn & Hadley until 1895, when Mr. Bunn gave up the general practice and became counsel for the reorganization managers and receivers of the Northern Pacific Railroad company; and upon the completion of the reorganization became the general counsel for the new organization, the Northern Pacific company, which position he now holds. The firms of Lusk, Bunn & Hadley and Bunn & Hadley, in addition to a large general practice, were the general counsel--the former firm of the Minnesota & Northwestern, and the Chicago, St. Paul & Kansas City railway companies, now the Chicago Great Western Railway company--and the latter of the St. Paul & Duluth Railway company. This concentrated a large and varied practice, embracing a large number of important litigated cases, many of them involving corporate rights,

powers and duties, which often took Mr. Bunn into the highest state and federal courts, where he is always listened to with attention and respect. Mr. Bunn possesses in a high degree those qualifications, qualities and powers, physical, mental and moral, which lead to professional eminence. He has a sound and powerful physique—not one of the least essentials of growth in power—that high degree of honesty, fidelity and integrity of character, without which no man became eminent in the profession; and constantly increasing mental scope and strength, enriched by much experience for so young a man. He has the acuteness of mental vision and readiness of diction which enables him to state a case clearly, the analytic or discriminating faculty which enables him to separate the vital questions upon which the case turns from the debris which gets more or less into every lawsuit, and the strongly developed logical or reasoning faculty, which enables him to bring to bear upon the solution of those questions. The same qualities and powers make him a wise counselor and useful and efficient in office work and the preparation of the important papers and documents which are constantly required by large railroad corporations in connection with its financing, securities, leases and trackage, traffic and other contracts. One of the leading lawyers and jurists of this state, who is thoroughly conversant with the bench and bar of the northwest, says of Mr. Bunn:

"I have known him ever since he entered upon the practice. It is no exaggeration to say that he is generally, and I think uniformly, among the people professionally, recognized as one of the ablest attorneys in this state and in the northwest, and his personal character is above discussion or question. He is a man of unquestioned ability, and I believe if the question was asked to-day of the members of the bar in the state of Minnesota, who is the most promising young lawyer in this state, a large majority would say, Charles W. Bunn."

These statements are careful and considerate, like their author. Mr. Bunn is a young man, not yet arrived at the maturity of his powers, and it is quite safe to say that among the younger members of the bar there is no one more likely to be the leader of the future bar of Minne-

sota than he. In 1877 Mr. Bunn married Mary Anderson, daughter of Mons Anderson, a prominent citizen of La Crosse, Wisconsin.

CHARLES C. HAUPT.

Charles C. Haupt, of Fergus Falls, Minnesota, was born at Wilkesbarre, Pennsylvania, February 10, 1854. His parents were Barnett Haupt and Rosanna Haupt.

He was educated at the Franklin Marshall college in Pennsylvania and, moving to Michigan, began the study of law with S. C. Coffinberry at Constantine. He was admitted to practice in St. Joseph county, Michigan.

In 1883 Mr. Haupt moved to Minnesota and has engaged extensively in the practice of general law in all the courts. He is now of the firm of Haupt & Field, at Fergus Falls.

He has been county attorney for Otter Tail county, is a member of the State Bar association of Minnesota, and belongs to the fraternity of Masons.

Mr. Haupt was married to Ida Trenchard at St. Paul, October 4, 1884, and they have one child.

In 1902 Mr. Haupt's abilities were recognized by his appointment to the important position of United States district attorney for Minnesota, with the result that most of his time is now necessarily spent in St. Paul, although Fergus Falls still claims him as an honored citizen and he is still a member of the firm of Haupt & Field.

As United States district attorney Mr. Haupt is rapidly advancing in reputation and favor as a member of the bar of Minnesota, and is considered one of the leading lawyers of the state in general law practice.

CHAPTER VI.

BAR ASSOCIATIONS OF MINNEAPOLIS AND HENNEPIN COUNTY—PROMINENT LAWYERS OF MINNEAPOLIS.

THE HENNEPIN COUNTY BAR ASSOCIATION.

The lawyers of most communities usually consider their state, county or city bar associations perfunctory organizations that do not require much individual effort to maintain, nor personal persistence to develop and make useful. Quite often the association is deemed a purely social organization, the yearly function of which is a convivial delight; and as often the real influence and power of the society is unappreciated or forgotten.

The Hennepin county bar association, however, through the practical work of its officers and most thoughtful members, is becoming something more than a mere social or perfunctory organization.

By the provisions of its constitution every lawyer in Hennepin county is an actual (and should be an active) member; article II of the constitution declaring that "All persons residing in Hennepin county who have been, or shall hereafter be, duly admitted to the bar of the state, shall be members of the association." There are no fees of admission or assessment; the expenses of the organization being met by contributions that are entirely voluntary.

The objects and aims of the association are such as would seem to invite the most earnest co-operation of every lawyer who appreciates the dignity of his profession, and believes that law is the foundation of every element of civilization and human progress. Article I of the constitution of the Hennepin county bar association declares that the object of the organization "shall be to advance the science of jurisprudence, promote the administration of justice and uphold the honor of the profession of the law." Surely there is

something more than mere verbiage to such a declaration; something indeed to be interested in, and to be *committed* in favor of, by both act and influence. The constitution provides, in article IV, that "all complaints of unprofessional conduct on the part of any member of the association shall be made to the executive committee in writing, by or through a member of the association, and shall be investigated by the executive committee through sub-committees or such other means as they may deem expedient." Continuing, article V declares that "if the executive committee shall find such charges sustained, they shall cause such reprimand to be administered to the offender as they deem appropriate; and if the offense charged is within the purview of the statute relating to the duties of attorneys, the executive committee shall, through sub-committees or counsel appointed by it, cause the same to be presented to the courts, and prosecuted according to law." Article VI is important, and says that "whenever complaint shall be lodged with the executive committee that the administration of justice has been materially interfered with in this county, it shall be the duty of the committee to thoroughly investigate such charge, and, if it finds that the charge is well founded, to report its findings to the district court, in and for Hennepin county, together with a copy of the evidence taken by it, and to use all honorable means to secure the punishment of any party guilty of such offense."

The Hennepin county bar association was organized in 1896, and the following were its first officers:

President, George R. Robinson; first vice president, Daniel Fish; second vice president, John H. Robertson; secretary, Joseph W. Molyneaux; treasurer, Frederick D. Larrabee.

These gentlemen held their respective offices until December 4, 1898, when the first annual election was held and the following gentlemen were chosen:

President, Judge Henry C. Belden; first vice president, Frank D. Larrabee; second vice president, James Robertson; secretary, Charles T. Thompson; treasurer, Walter R. Brown.

The next annual election occurred December 2, 1899, with the following result:

President, Frederick D. Larrabee; first vice president, James O. Pierce; second vice president, Charles T. Thompson; secretary, Charles S. Cairns; treasurer, Walter R. Brown.

At the election December 22, 1900, the officers-elect were:

President, James O. Pierce; first vice president, Harrison E. Fryberger; second vice president, W. S. Dwinnell; Mr. Charles S. Cairns was again chosen secretary, and for the third time Mr. Walter R. Brown was made treasurer.

The election for 1901 was held December 7th:

President, Arthur M. Keith; first vice president, John H. Steele; second vice president, Frederick W. Shaw; secretary, Winfield W. Bardwell; treasurer, Judson L. Wicks.

The present officers, elected December 6, 1902, are:

President, Eugene G. Hay; first vice president, N. F. Hawley; second vice president, Frank Healey; secretary, Winfield W. Bardwell; treasurer, George L. Nevins.

The important committees of the Hennepin county bar association are the executive and the legislative. The general officers of the association are ex-officio members of the executive committee. The committee proper consists of fifteen members so elected that the term of office of one-third the number expires with each successive year. The personnel of the committee is:

Term Expiring 1903—E. F. Waite; C. T. Thompson; H. W. Young; Ell Torrance; C. D. Austin.

Term Expiring 1904—Emanuel Cohen; Henry G. Hicks; John T. Baxter; W. S. Dwinnell; Edward Savage.

Term Expiring 1905—J. R. Vanderlip; Weed Munro; T. A. Salomon; W. A. Kerr; M. H. Boutelle.

Legislative Committee—C. S. Cairns, chairman; H. V. Mercer; A. L. Helliwell; John Crosby; W. H. Bennett; C. J. Rockwood; H. J. Fletcher.

The time of holding the annual meeting of the association has recently been changed, and from now on it will be held in the evening of the third Saturday in January of each year. The annual meeting is made the occasion of a banquet at which members meet in congenial intercourse and learn to know each other from a standpoint entirely aloof from the environments of office and court room. Indeed, one of the prime objects of the association is to assist in the establishment and development of fraternal thought and action among the members of the profession. To this end the annual banquet has already exerted a wide and constantly increasing influence, and is becoming more and more appreciated.

Inasmuch as all members of the county bar are members of the association, much interest is felt in that rule of the organization which insures memorial services being held upon the death of any person who has been a worthy lawyer and citizen. These memorial services are usually special sessions of the association, and are greatly appreciated by the families and friends of the deceased.

One of the objects of the association, which meets with special general public favor, is to use its utmost influence and endeavor to keep judicial positions entirely outside the pale of politics. The association realizes that in the present-day *perfectness* of the political machines of the two great parties, that only by united effort on the part of the members of the bar can politicians be prevented from using fair names and reputations for purely partizan purposes. Inasmuch as political managers have in mind and purpose the success of their particular organization rather than especial purity or capable administration even in judicial positions, therefore the most perfect and unprejudiced justice can be assured only by that conscientious selection of court officers which depends wholly upon personal integrity, knowledge and capability; and such selection can only be made through the information obtained, and the judgment exercised, by a bar association which has for its object the upholding of justice and the advancement of jurisprudence. The more active members of the Hennepin county bar association believe that in time the organiza-

tion will acquire an influence that will enable it to compel political managers to ignore party lines in the selection of candidates for judicial positions.

Another important object of the association is to raise the standard of admission to the bar of Minnesota, realizing that thereby the average professional standing of members will be proportionately enhanced. This is considered a matter of importance by all attorneys who have pride in their profession, and believe in its advancement along with the modern-day development of all the sciences and other learned professions. This is something which only concert of action can bring about, and wherein the bar association may become of very great benefit to the profession.

In the matter of uniformity of professional fees the association believes it may eventually render service. While it would be impossible to establish a uniformity of charges similar, for instance, to those of the medical profession, yet the association may in time be able to show the benefit of more systematic rules in this regard than now exist.

At the present time it is evident that the best talent of the local bar is becoming more and more interested in the work and welfare of the Hennepin County Bar Association; and as such interest develops, so will the organization become useful, not only to the individuals of the profession of law, but to the general community.

MINNEAPOLIS BAR ASSOCIATION.

The Minneapolis Bar Association was organized in 1883. Its purpose was the establishment of a substantial law library and the creation of an organization which should be representative of the bar of Hennepin county; the intention being that every practicing lawyer in the county should become a member.

The corporation was formed February 20, 1883, with a capitalization of \$12,000, divided into 240 shares of \$50 each. The articles of

incorporation provided that the following gentlemen should be the first officers of the association:

President, Eugene M. Wilson; vice president, M. B. Koon; secretary, Arthur M. Keith; treasurer, W. E. Hale; executive committee, W. W. McNair, W. R. Cray, W. J. Hahn, P. M. Babcock and J. G. Woolley.

The work of building up a library was begun immediately upon the completion of the organization, and liberal contributions in shape of books and money were made. In August, 1883, the association rooms were upon the upper floor of the Academy of Music building at the corner of Hennepin and Washington avenues, and within a year the library had become creditable and valuable. On Christmas day, 1884, the Academy of Music was entirely destroyed by fire. The insurance upon the property of the association was ample to cover the total loss, and enabled the investment of \$15,000 cash in new books. New quarters were then secured in the Boston block, corner of Hennepin avenue and Third street, and again the association prospered and the library grew. In 1886 the upper part of the Boston block was burned, and again the library was totally destroyed. This time the insurance was \$20,000, was promptly paid, and new quarters were at once secured in the Temple Court building, which had arisen upon the site of the old Academy of Music. Renewed and energetic efforts were devoted to the replacing and enlargement of the library, with the result that the association now owns the largest and most complete law library in the northwest, excepting only state libraries.

From Temple Court the library was moved to the Hennepin county court house, where it now is.

It is the earnest desire of the association that its membership shall be so increased that every member of the bar of Hennepin county will be included therein. The membership fee is \$50, which is the par value of the one share of stock necessary to be owned, and the annual dues are \$10, payable semi-annually. The present value of the library is about \$50,000, so that from a business standpoint the purchase of the stock is a good investment.

To accommodate anyone not desiring to pay therefor in one payment the association offers the two following plans of acquiring a membership, viz.:

1. The membership and the annual dues for one year, amounting in all to \$60, may be paid for in four quarterly payments of \$15 each in advance; or—
2. Annual payments of \$20, payable semi-annually, may be made, one-half of which will be credited on membership fee.

On either of above plans, if payments are continued without intermission, one share of stock is issued as soon as the par value is received, and in the meantime free use of the library is granted; failure to make any such payments forfeits all right to membership and issuance of stock.

To further accommodate any member of the bar of Hennepin county who does not desire a membership, but would like the use of the library, the association offers such use for six months on payment of five dollars in advance, being the same as the semi-annual dues of a member of the association.

The association is not a close corporation, and every member of the bar of this county is most cordially invited to become a member thereof; it is the only method of maintaining a permanent organization, and the united support and membership of the bar would make it effective in eradicating existing abuse and elevating the professional standard. Application for membership may be made to the librarian at the library rooms in the court house, or to any officer of the association. The library rooms are under the supervision of an experienced librarian, who is always ready to render any desired assistance, and are kept open on any business day from 8:30 a. m. to 9 o'clock p. m., except only Saturday afternoons during July and August, and except only Saturday evenings.

The officers of the association are now (1904): President, John H. Steele; vice president, Frank W. Shaw; secretary, John T. Baxter; treasurer, E. S. Waters; executive committee, John H. Steele, John T. Baxter, Daniel Fish, C. J. Rockwood, A. V. Merrill, J. A. Lari-

more, T. H. Salmon; library committee, A. M. Keith, W. P. Roberts, J. R. Vanderlip; discipline committee, J. E. O'Brien, J. W. Crane, M. F. Hanley.

ROBERT L. PENNEY.

Robert L. Penney, senior member of the law firm of Penney & McMillan, Minneapolis, was born at Watertown, Connecticut. His father, William Penney, who married Julia Maria Willer, was also a native of Connecticut, and died in New Haven, in 1884.

Robert is the product of his early ambition and courage. His parents were unable to give him a collegiate education, but he worked his way through the academy at Millertown, Dutchess county, New York, remaining there three years. He then decided on a course at the Oneida Conference seminary, at Cazenovia, New York, and not being sufficiently equipped with funds, he began farm work, and within a year accumulated sufficient money with which to pay the first quarter's tuition at that institution. He subsequently taught school, earning additional funds, and prosecuted his studies until he was graduated from the seminary as salutatorian of his class. After his graduation, and deciding upon the law as a future occupation, he began reading, preparatory to entering college. He entered the law department of Yale college, and graduated from that famous institution with the class of 1876. Here it was that he did his hardest studying to master the intricate problems of jurisprudence in as short time as possible. In his graduation class he stood third, receiving honorable mention by Chief Justice Waite, of the United States supreme court, who delivered the graduating address, on his courage and indomitable will power. For four years after his graduation he remained in Newark. Coming to Minnesota, in October, 1880, he located at Minneapolis. For two years thereafter his practice was somewhat limited. In 1882 he formed a partnership with L. L. Baxter, later judge of the district court, of Fergus Falls, and Anton Grethen, under the firm name of Baxter, Grethen & Penney. This partnership continued until Mr. Bax-



ROBERT L. PENNEY

ter was elevated to the bench, when it was dissolved, and later Mr. Penney became associated with Messrs. Jordan and Hammond, under the firm name of Jordan, Penney & Hammond. This partnership was dissolved by the removal of Messrs. Jordan and Hammond to Tacoma, Washington.

In 1886 he was elected to the office of special judge of the municipal court, but the supreme court declared the election unconstitutional and void. Two years later he was on the democratic ticket for county attorney, but was defeated by Robert Jamison. In 1890 Mr. Penney was nominated on the legislative ticket, his former opponent being nominated by the republicans for the same office. Mr. Penney won, and his nomination had been announced only a few moments, when he and Mr. Jamison formed a partnership, under the name of Penney & Jamison, which continued until Mr. Jamison's appointment to the bench. Mr. Penney subsequently formed a partnership with Victor Welch and Marcus P. Hayne. This partnership was dissolved in April, 1895. Later, the present firm of Penney & McMillan was formed.

Politically, Mr. Penney affiliates with the sound money democrats, believing they advocate the principles set forth and upheld by the framers of democracy. However, in local and state elections, he is independent, and casts his vote for the man who, in his judgment, is best qualified for the office. He is a member of the Masonic, B. P. O. E. and the A. O. U. W. orders, also a member of the Commercial club of Minneapolis.

Mr. Penney was married, in 1875, to Mary E. Leete, of Madison, Connecticut.

FREDERICK H. BOARDMAN.

Frederick H. Boardman, present county attorney of Hennepin county, comes of colonial stock in New Brunswick. His father, Geo. A. Boardman, originally a citizen of New Brunswick, is a retired lumberman of Calais, Maine. He was a man of scientific taste and attainments, and known as one of the leading ornithologists of the United States. His wife was Mary Jane Hill, a woman of noble character,

whose memory is held in reverence and affectionate regard by her children.

The subject of this sketch was born at Milltown, New Brunswick, April 25, 1848. His early education was obtained at St. Stevens academy and Phillips academy at Andover, Massachusetts, where he prepared for college. Later he entered Bowdoin college, where he was graduated in 1869. While in college he was a member of the Psi Upsilon society, and was the prize speaker of his class.

Having completed his college course he began the study of law with E. B. Harvey, of Calais, Maine, and was admitted to the bar in 1876. Two years later he came to Minnesota and settled in Minneapolis, where he took up the practice of his profession. He formed a law partnership with C. M. Ferguson, which continued from 1878 to 1885. He later formed a partnership with M. H. Boutelle.

Mr. Boardman has always been a republican and represented one of the Minneapolis districts in the Minnesota legislature in 1882-3. Later he was elected county attorney of Hennepin county, and has held that office ever since.

Mr. Boardman was married in Brunswick, Maine, in 1870, to Harriet C. Boutelle.

HENRY DEUTSCH.

Henry Deutsch, of the Minneapolis bar, is a native Minnesotan, having been born in Minneapolis August 28, 1874. His parents are Jacob and Malchen A. (Valfer) Deutsch.

Mr. Deutsch was educated in the grade and high schools of his native city. He was graduated from the law department of the University of Minnesota in 1894, and also took a postgraduate course at Yale university law school, and was admitted to the Hennepin county bar in October, 1895. Mr. Deutsch appears in all state and United States courts, in both civil and criminal cases, and is regarded as an energetic, bright young lawyer and a good pleader. He is a member of several fraternal organizations, among which may be mentioned Hennepin Lodge, No. 4, A. F. & A. M.; the Scottish Rite bodies;



W. W. Keadsworth

Zuhrah Temple, A. A. O. N. M. S.; also the B. P. O. E., No. 44; Maccabees, Royal Arcanum, and Woodmen of the World. He is also prominently connected with the Commercial club as one of its directors and as chairman of the committee on conventions and public entertainments.

In 1897 Mr. Deutsch became associated with Hon. Frank M. Nye, under the firm name of Nye & Deutsch, with offices in the New York Life building. He is a member of the Hebrew Reformed church of Minneapolis, and in politics he affiliates with the republican party. May 2, 1898, Mr. Deutsch was married to Miss Grace A. Levi, of Philadelphia, to whom a son, Clarence S., has been born.

HARRY H. WADSWORTH.

Harry H. Wadsworth, senior member of the firm of Wadsworth & Wadsworth, of Minneapolis, was born February 12, 1857, at Farmington, Connecticut, and is a son of Hon. Winthrop M. and Lucy A. Wadsworth. He attended the public schools of Milwaukee and later entered the law department of Yale college, receiving the degree of Bachelor of Laws in 1881, and one year later the degree of Master of Laws. He was admitted to the bar in New Haven, Connecticut, entitling him to practice before all the state and United States courts. In April, 1883, he located in Minneapolis, soon after forming a partnership with his brother, Frank H., under the firm name of Wadsworth & Wadsworth. This is the oldest established law firm in the city of Minneapolis, and one which receives its full quota of business. They practice before both state and federal courts, and besides appearing in Minnesota have prosecuted special cases in Connecticut, Michigan and South Dakota.

Mr. Wadsworth has made a specialty of commercial and banking laws, land titles, liens, real estate and the settlement of estates, and his accurate knowledge of all the intricate points involved in these questions makes him second to none in his capacity as attorney.

On one suit in which he was engaged as counsel, that of Williams vs. Wadsworth, 51 Conn. 277, a leading case in New England, involving a question of land titles and riparian rights, Mr. Wadsworth spent an entire year in preparing the way for the Farmington Water Company's reservoir system, a victory which won him fame and plaudits. Another important suit in which he was engaged was Hill vs. The Whale Mining Company, 90 N. W. Rept. 853, of South Dakota, involving thousands of dollars, and he has won many most important cases in mechanics' liens, Hill vs. Gill, 40 Minn. 441, Hill vs. Aldrich, 48 Minn. 73, etc., etc. He scored another victory in the case of Metropolitan Trust Company vs. Northern Trust Company.

This article would be incomplete did we not give passing notice of the work accomplished in perfecting the title to the Michael Casserly estate and locating the legal heirs. This estate was in litigation eight years and involved one of the most intricate and complicated land titles in the state of Minnesota, the land in question being Island Park addition to Minneapolis and other acreage in the very heart of the city. One of the many suits growing out of this litigation is that of McNamara vs. Casserly, 61 Minn. 335. Some of the cases were in the federal courts before Judges Nelson and Shiras, and all terminated in favor of Wadsworth & Wadsworth. A small idea of the work required on this case may be imagined when it is known that Harry H. Wadsworth traveled over twenty-five thousand miles in looking up heirs, etc. He traveled from Massachusetts to California, and also Ireland, England and France were visited in his search.

Mr. Wadsworth belongs to the college club Nu Duteron of Phi Gamma Delta, of Yale. While he never sought political preferment, he was twice elected president of the Union League, at one time the strongest political organization in the state. From early manhood he has taken an interest in every election.

EDMUND A. MONTGOMERY.

Edmund Alexander Montgomery is a native of Minnesota, born at St. Peter, September 20, 1868. He was educated in the public

schools of that city, graduating from the high school in 1884; he immediately entered upon a college course at Hamline University in St. Paul, from which he was graduated in 1888 with the degree of Bachelor of Science. The same year he entered upon the study of law in the office of William E. Hale, in Minneapolis, and was admitted to the bar in 1890. He has ever since been associated with his first tutor in law, Mr. Hale, being a member of the firm of Hale, Morgan & Montgomery from 1893 to 1898, and when that firm dissolved by the retirement of Mr. Morgan, the present firm of Hale & Montgomery continued in practice. Mr. Montgomery has never sought political office or preferment, but has always been a staunch republican worker in the ranks of the party. In 1895, he was married to Miss Louise E. Easton of St. Paul.

DANIEL FISH.

Daniel Fish, of Minneapolis, came to Minnesota, in May, 1871, and has ever since been actively and prominently engaged in his profession in this state. He was born at Cherry Valley, Illinois, January 31, 1848, the son of Daniel and Permelia (Adams) Fish. He received his education in the common schools of Winnebago county, Illinois.

Judge Fish studied for the bar under Charles E. Bronson, at Manchester, Iowa, and Hon. Milton Remley, at Anamoosa, Iowa, and was admitted to practice in the latter named town, April 19, 1871, coming to Minnesota in May following. He has been very busily engaged in all the lines of his profession, in which he has attained real eminence. Among some of the prominent cases in which he has been counsel, all of which were important at the time of their final decision, may be mentioned *Balch vs. Hooper* (32 Minn., 158), *State ex rel. Merriek vs. District Court* (33 Minn., 235), and other *Park* cases. *State Park Commissioners vs. Henry* (38 Minn., 266); *Bardwell vs. Mann* (46 Minn., 237); *Reimer vs. Newell* (47 Minn., 237); *Comstock vs. Tracy* (46 Fed. Rep., 162); *State vs. Cooley* (56 Minn., 540); *Schussler vs. Hennepin County* (67 Minn., 412); *Campbell vs. Waite* (88

Fed. Rep., 102); and the "Kelley Cases" in the state supreme court. His clientage has embraced all classes.

He was formerly counsel and trust officer of the Minnesota Title Insurance and Trust company, the State Park Commission, the Minneapolis Board of Park Commissioners, and is now counsel for the Hennepin Court House and City Hall Commission, and the Lakewood Cemetery association. He has kept in close touch and sympathy with his professional brethren and has always been a member of the bar association.

He has filled his share of public positions. For two terms he was judge of the probate court of Wright county, is serving as director and secretary of the Minneapolis Library board, and is at present a member of the important commission appointed by the supreme court to revise the Minnesota statutes. In the affairs of the Grand Army of the Republic he has been very prominent. He has been commander of John A. Rawlins Post No. 126; assistant adjutant general and judge advocate of the Department of Minnesota, and adjutant general of the commander-in-chief.

His title to membership in the G. A. R. rests upon his record as a Union soldier. January 4, 1864, prior to his sixteenth birthday, he enlisted in Company G, 45th Illinois Infantry and served until the close of the war of the rebellion. Though a mere stripling he made a good record. He took part in Sherman's Atlanta campaign and was also in the battles of Nashville, Tennessee, and Southwest Creek, North Carolina. He was never wounded, underwent all the privations of a common soldier with boyish enthusiasm, and says that his health and physical condition was improved and not impaired by his arduous service.

Judge Fish was married at Garnaville, Iowa, August 21, 1873, to Elizabeth M. Porter. His children are Annie L., wife of Rev. Chas. Graves, Trenton, N. Y.; Elizabeth M. and Florence A., teachers; Horace P. and Helen J., students in the State University. The members of the family at home attend the Park Avenue Congregational church, Minneapolis.



Frank H. Wadsworth.

CHARLES R. FOWLER.

Charles Rollin Fowler was born at Jordan, Minnesota, September 17, 1869. He began his education in the common schools at Jordan, then attended school in Minneapolis, and graduated from the law department of the University of Minnesota in June, 1892.

Mr. Fowler immediately began the practice of his profession at Minneapolis, and with the exception of one year spent at Fargo, North Dakota, he has been engaged constantly up to this time in the practice of law in Minneapolis.

Mr. Fowler has been energetic and active in politics as a republican, but invariably in the interests of his party, and has never sought or accepted office for himself. He has assisted in every political campaign for the past twelve years. His active interest in public affairs has been the result of his belief that every citizen should devote personal service to the maintenance of good government.

He is a director in the Commercial club of Minneapolis; is an Elk and a Mason.

Mr. Fowler's practice is largely in line of commercial law, and he is the general attorney in Minnesota and North and South Dakota for the American Surety company of New York.

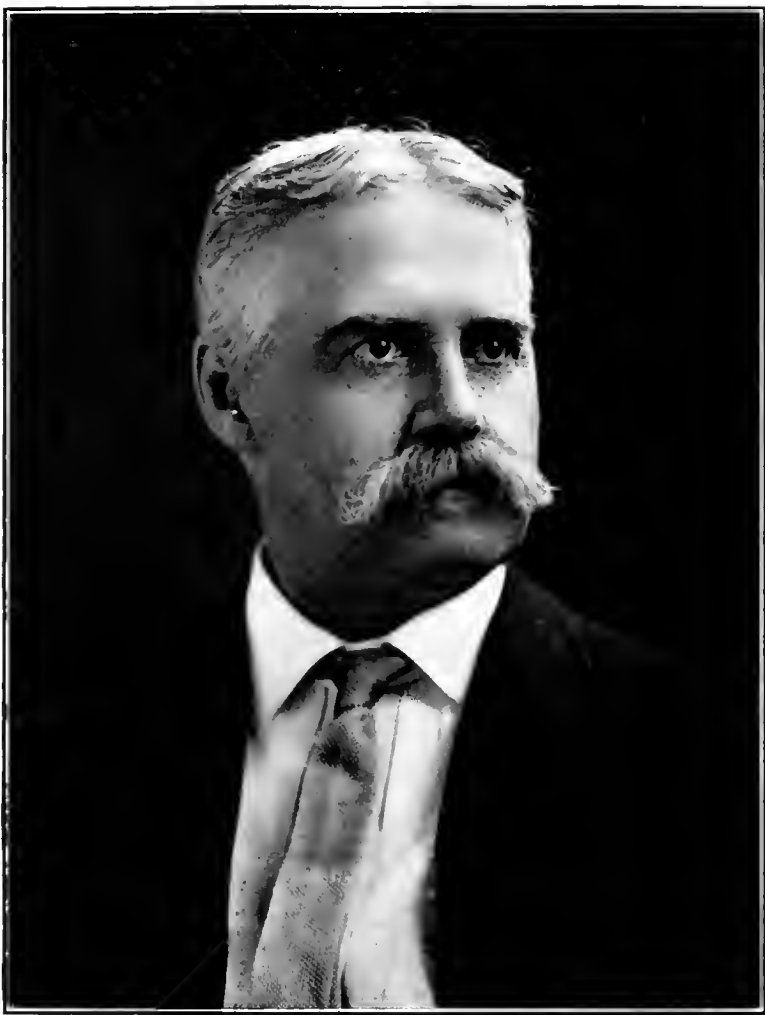
FRANK H. WADSWORTH.

Frank H. Wadsworth is a member of the firm of Wadsworth & Wadsworth, located in the Globe building, Minneapolis, Minnesota, the oldest legal firm in the city. Mr. Wadsworth is a native of Farmington, Hartford county, Connecticut, and a son of Hon. Winthrop M. and Lucy A. Wadsworth. He received his education in Professor Camp's private school at New Britain, Connecticut, after which he entered Williston seminary at Easthampton, Massachusetts, finishing at Yale law school, where he studied for the bar and graduated in the class of 1883. He was admitted to practice in both the state of Connecticut and Minnesota.

Coming to the city of Minneapolis on the first of September, 1883, when fresh from college, he entered into partnership with his elder brother, Harry H., and the firm thus started has grown to the front rank in strength and ability. They practice before both state and federal courts, handling only civil cases, and have built up a large clientage, embracing the bank of Hills, Sons & Company; W. S. Hill & Company, lumbermen; Chadbourne Finance Company; Minneapolis Cold Storage Company; Henry Hill estate; A. R. Hibbard estate; L. D. Pond estate and many others.

Twenty years spent with faithful fidelity to the trusts imposed in them have given them a widespread reputation for uprightness and fearless discharge of duty that has made them one of the prosperous and well known law firms of Minneapolis. Their practice extends from Connecticut to Michigan, Minnesota and North Dakota. In the former state was tried the celebrated Williams vs. Wadsworth case; Hill vs. The Whale Mining Company in South Dakota; Hill vs. Gill; Hill vs. Aldrich; Metropolitan Trust Company vs. Northern Trust Company, and many others which space forbids naming. Probably few cases of recent years have attracted the wide publicity caused by the litigation in which the Casserly estate was involved, and which extended over a period of eight years. Many minor suits grew out of this one to perfect the title to Michael Casserly's estate, the land including Island Park addition to Minneapolis and other properties in the very heart of the city. It was found necessary to visit Ireland, England and France in the quest, as well as to journey from Massachusetts to California, the entire distance traveled being over twenty-five thousand miles. The successful outcome of the suit was a well earned victory for Wadsworth & Wadsworth, who had charge of it.

While Mr. Wadsworth has never sought public office, he has always taken an active interest in public affairs. In almost every political campaign he has taken the stump in behalf of good politics and those whom he believed to be best qualified for public office. Mr. Wadsworth inaugurated the movement for the building of cycle paths in



C. M. Ferguson

Minneapolis and Hennepin county, and the eighty miles of cycle paths now constructed in said city and county are due more to his energy and efforts than to any other one man, and he has written the first connected history of the water power at Minneapolis.

Frank H. Wadsworth was married at Oswego, New York, in 1888, to Miss Mary H. Mattison, who has borne him two children, Winthrop M., a bright boy of twelve years, and Kate, aged nine. Mr. Wadsworth is an honored member of Plymouth Congregational church of Minneapolis.

CASSIUS M. FERGUSON.

Cassius M. Ferguson, of Minneapolis, is of Scotch descent, and was born at Dixmont, in Penobscot county, Maine.

His parents were Willard Bixby Ferguson and Rebecca (Goodwin) Ferguson.

Mr. Ferguson was educated at Dummer academy, Massachusetts; Waterville Classical institute, Waterville, Maine; and at Bowdoin college, where he graduated with the class of 1874. He studied for the bar under Hon. Albert W. Paine, of Bangor, and with Col. George Bradley, of Minneapolis, and was admitted to practice in Maine in 1876, and in Minnesota in 1877.

Mr. Ferguson has resided in Minneapolis since 1877. For the past ten years he has practiced alone. Prior to that time he was of the firm of Ferguson & Kneeland for seven years, and for the same period of time of the firm of Boardman & Ferguson.

His practice has been both in corporation and general law, and he has been Minnesota counsel for the Western Union Telegraph company, North American Telegraph company, the American District Telegraph company, of Minnesota, and other corporations, for the first named for the past 18 years.

Some of the important cases in which Mr. Ferguson has appeared may be mentioned: *S. R. Francis vs. Western Union Telegraph Company* (58 Minn. 252), a case determining that damages for "mental

anguish" are not recoverable for failure to deliver a telegram; St. Paul, Minneapolis & Manitoba Railway Co. vs. Western Union Telegraph Co., in United States circuit court of Minnesota, involving ownership of telegraph system on all Great Northern railway lines; Peterson vs. Western Union Telegraph Co., in state supreme court three times, being the first case in this country involving the law of libel as applied to telegraph companies; and case of Frank M. Nye vs. Western Union Telegraph Co., in the federal court, involving the same question.

Mr. Ferguson is a member of the college fraternity of Delta Kappa Epsilon.

He was married in 1893, at Minneapolis, to Margaret Underwood, daughter of Judge William H. Underwood, of Belleville, Illinois.

EDWARD C. GALE.

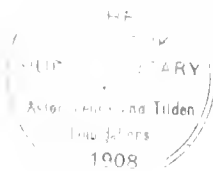
Edward C. Gale, of the law firm of Snyder & Gale, Minneapolis, was born in Minneapolis, April 2, 1862. His father, Samuel C. Gale, was a pioneer lawyer of the northwest, and a member of the Hennepin county bar in territorial days. His wife was Susan Damon.

Edward C. Gale was educated at Yale university, and took the law degree at Harvard law school, after which he returned to Minneapolis, entered the law office of Shaw & Cray, and was admitted to the bar in 1888.

He later became associated with Hon. Fred B. Snyder, under the firm name of Snyder & Gale, which ranks amongs the strongest law firms of the city. They enjoy a large general practice, and are special counsel for many prominent business firms of the state. They also manage the estate of the late J. S. Pillsbury.

Mr. Gale retains his membership in his college fraternities, and is a trustee of the First Congregational church. He is also a member of the Municipal Art commission, of which he is secretary.

June 28, 1892, he was married to Sarah Pillsbury, and they have one son, Richard Pillsbury Gale.





Fred. B. Wright

FRED BERIAH WRIGHT.

Fred B. Wright, of Minneapolis, is the son of Beriah Wright and Julia Ann (Smith) Wright, and was born in Columbia, Coos county, New Hampshire.

He was educated in the common schools of his native locality, and the St. Johnsbury academy, St. Johnsbury, Vermont, of which he is a graduate. In preparing for the profession of law he studied with Hon. George A. Brigham, at Littleton, New Hampshire, and then entered the Boston Law school, at Boston, Massachusetts.

In March, 1883, Mr. Wright came to Minneapolis, and in April of that year was admitted to practice in Minnesota.

At the present time Mr. Wright is a member of the firm of Wright & Matchan, and their business consists of general practice in all the courts, although they are attorneys for some large corporations.

Important cases which Mr. Wright has been connected with are: *Hodges vs. Twitchell* (33 Minn. 389); *Knobloch vs. Fogelson* (37 Minn. 320); *Knuppin vs. Swensen* (40 Minn. 171); *Thompson vs. Schiele* (39 Minn. 102); *Northrup vs. Stevens* (39 Minn. 105); *Bennett vs. Blatz* (44 Minn. 56); *Youngberg vs. Nelson* (51 Minn. 172); *Mercantile Statement Co. vs. Neal* (51 Minn. 263); *Thompson-Houston Electric Co. vs. Palmer* (52 Minn. 174); *Palmer vs. Bank of Zumbrota* (65 Minn. 90), and many others.

Mr. Wright is a Mason and belongs to Minneapolis No. 19 A. F. & A. M.; St. John's Chapter No. 9, Royal Arch; and Zion's Commandery K. P. T.

Mr. Wright was married to Helen C. Conant at St. Johnsbury, Vermont, August 27, 1884, and their children are Ralph C., Fred B., Jr., Barbara Helen and Donald Orr.

EDWARD E. SMITH.

Edward E. Smith, of Minneapolis, Minnesota, was born at Spring Valley, May 5, 1861. His immediate ancestors were Dryden and

Elizabeth A. Smith, the former a native of Illinois, to which state his forefathers came from New York and Pennsylvania. The maternal ancestors were from Virginia and Maryland, whence they emigrated to Ohio, where the mother was born. Edward E. Smith received a good common school education in the public schools of his native village and then, having determined upon the legal profession as his choice, entered the office of Starr & Harrison, at Charles City, Floyd county, Iowa. He was admitted to the bar in that city in 1883, when in his twenty-second year.

He at once began practicing and his ability was recognized. He has ever taken an active interest in all questions of public importance and has so identified himself with each movement looking to the general good that in 1895 he was chosen by the voice of the people to represent them in the legislative halls of the state. He was again elected in 1897 and two years later, in 1899, he was sent to the state senate and has held the office continuously since, having been re-elected in November, 1902, for another term of four years. His public duties have been discharged in a manner to best serve those whom he represents. Mr. Smith was married August 13, 1884, at Charles City, Iowa, to Miss Esther Ellen Leonard, by whom he has two children, Harriet L. and Rollin L.

JOHN T. BAXTER.

John T. Baxter, of the Minneapolis bar, was born in Berlin, Wisconsin, October 15, 1862. He remained with his parents, Thomas and Susannah (Lewis) Baxter, and received his rudimentary education in his native state. Later he entered Williams college at Williamstown, Massachusetts, where he graduated in 1887, and then came to Minnesota. Here he entered the law office of Kitchell, Cohen & Shaw and applied himself diligently to the study of law. Two years later he was admitted to the bar in Minneapolis and has since practiced before all the courts. He has been reasonably successful in his business, and is well thought of by those with whom he has come in



S. A. Garrity
▽

contact. A member of the Minneapolis Bar Association, he has been the secretary of that organization since 1892, and is esteemed and honored by the entire bar.

Mr. Baxter was joined in marriage October 14, 1891, at Minneapolis, to Miss Gertrude L. Hooker, and two little daughters have been born to them. Mr. Baxter belongs to the Delta Upsilon society and is a member of the Masonic fraternity. He attends the Park Avenue Congregational church, of which he is a member.

WILBUR F. BOOTH.

Wilbur F. Booth, of Minneapolis, Minnesota, is a son of the Reverend Albert and Louisa T. Booth. He was born August 22, 1861, in Seymour, Connecticut, and received his education in that state, graduating from the academic and law departments of Yale. He was admitted to the practice of law in New Haven, Connecticut, in 1888. On November 2, 1888, he came to Minnesota and was admitted to the bar at St. Paul in 1889.

Locating in Minneapolis in 1890, he was for seven years assistant counsel for the Minneapolis & St. Louis Railroad company. In 1898 he entered into partnership with his brother, Samuel A. Booth, who died December 3, 1898. In September, 1900, he entered into partnership with Charles J. Tryon under the firm name of Tryon & Booth.

THOMAS A. GARRITY.

Thomas A. Garrity, of the Minneapolis bar, was born in St. Croix county, Wisconsin, September 8, 1869, and after passing through the various vicissitudes of boyhood, came to Minnesota in his twentieth year. He was ambitious and studious and determined to enter upon the career of a lawyer; and to that end fitted himself for the work before him by obtaining a sound business and legal education, taking a course in Carleton college, later in the Minnesota law school, and studying with Gov. A. C. Mellette, of Watertown, South Dakota, and Spooner & Taylor, of Minneapolis.

Thomas A. Garrity was studious and determined to make a success of the undertaking in which he had enlisted, and in 1893, when barely twenty-four years of age, he was admitted to the bar of Minneapolis. A category of his work includes both civil and criminal cases, notable among which may be cited the State vs. Maschik, Minneapolis, and the State vs. Zimmerman, Minneapolis, the former in 1897 and the latter in 1898. Mr. Garrity is a member of the State Bar Association, also of the Royal Arcanum and the Elks. He is attorney for the Fidelity and Casualty Company of New York for the state of Minnesota.

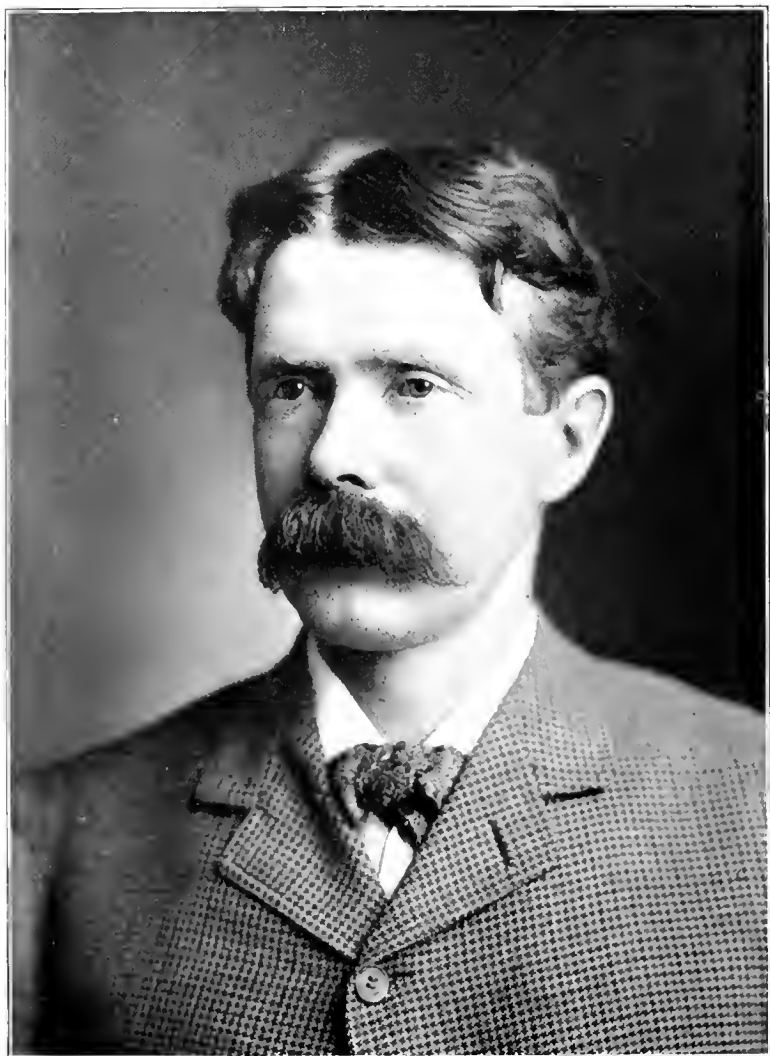
GEORGE MORTON BLEECKER.

George Morton Bleecker was born November 19, 1861, at Whippany, New Jersey. His education began at the Whippany academy, and, locating at Minneapolis, August 1, 1883, he entered the state university that fall and continued special work through 1884. In 1885 he entered the University of Michigan, at Ann Arbor, and was graduated from the law department of that institution in June, 1887. Returning to Minneapolis, he was admitted to the bar of Minnesota, in December, 1887. From 1894 to 1897 he was associated, as a partner, with Edward E. Witchie; but at the present time conducts his business personally. Mr. Bleecker is in general practice in all of the state and federal courts, and is special counsel for a large number of corporations and firms, among which may be mentioned the German-American bank; Gluek Brewing company; Turner's Building association; Flour City Brick company; Superior Manufacturing company; Johnson Sash and Door company; Minnesota Hardware Dealers' Insurance company; and the Western Barrel company.

Mr. Bleecker devotes a portion of his leisure time to the amenities of fraternal organizations, and is a Mason, Odd Fellow and Elk. Although a democrat in politics, the slight attention he has given to political matters seems to have been appreciated, for he was clerk of the Hennepin county probate court during 1891-1892, and was a representative in the state legislature during 1893-1894, from the twenty-



Geo. M. Blecken



John H. Steele

ninth district. Mr. Bleecker is descended from the old Dutch stock that was prominent in the development and upbuilding of New York City and the state of New Jersey.

His father, Henry E. Bleecker, married Miss Phoebe W. Cook, thus uniting two families well known in the annals of New Jersey. Mr. Bleecker is a member of the Universalist church. His wife was formerly Miss Mary Frances Martin.

JOHN H. STEELE.

John H. Steele, of the Minneapolis bar, was born at Longford, Ireland, January 8, 1856. He was educated in the public schools of Illinois, receiving a common school and academic education. He studied law in the offices of Judge Richard S. Farrand and Hon. Chas. B. Morrison, and was admitted to the bar at Ottawa, Illinois, in 1883. He came to Minnesota in June, 1884, locating in Minneapolis, where he has since been engaged in practice which has been general in its nature, but of an important character, as is evidenced by his record of some sixty cases in the state supreme court. He is at this time president of the Minneapolis Bar association and for some years has been prominent on the committees of that association.

In 1892 he was elected judge of probate for Hennepin county, and re-elected in 1894, serving for four years, after which he declined to serve longer, preferring to resume his practice. The position in a county of so large a population as Hennepin, is one of importance and large responsibility. In 1898, he was chairman of the republican state central committee. Judge Steele is a member of the Knights Templars, of the Mystic Shrine, and of the Elks. He was married in Minneapolis in 1893, to L. Eva Riehl, and has one son.

GEORGE R. ROBINSON.

George R. Robinson, of Minneapolis, is a son of George R. and Nancy L. (Edwards) Robinson, and was born in Millersburg, Mis-

souri, August 28, 1843. The family having moved to Indiana, he received his primary education at Moore's Hill, that state, and then read law with Barton W. Wilson, Esq., of Greensburg. He still further mastered the intricacies of the profession by a course in the Indiana Law School of Indianapolis, and on November 9, 1864, came to Minnesota. The following month he was admitted to the bar in his adopted city. He was elected to the office of county attorney in 1866 for a term of two years.

Mr. Robinson does not make a specialty of any particular branch of the law, giving his attention to all alike.

Probably the most notable suits in which he has been engaged were *Brown vs. Ames*, *State vs. Armington*, and *Baxter vs. Coughlin et al.* He is a member of the Hennepin county bar association, of which he was president. Mr. Robinson is one of the loyal sons of the Union who took up arms in defense of their country. He enlisted as private in the Sixteenth Indiana Volunteer Regiment, Company G, at the first call for men during our civil strife, and was soon raised to the rank of sergeant. He was made adjutant of the Eighty-third Regiment and while in the battle of Chickasaw Bayou was wounded, December 28, 1862. The thrilling experiences of army life are indelibly impressed on his memory and furnish data for many pleasant reminiscences. On September 13, 1864, at Greensburg, Indiana, Mr. Robinson and Miss Matilda T. McLaughlin were united in marriage. They are the parents of the following children: Frederick M., Jane D., Mary E., Gracie E., Florence, Georgia and Maud.

CHARLES S. ALBERT.

Charles S. Albert, a member of the Hennepin county bar, was born at Williamsport, Pa., July 10, 1872, and came to Minneapolis October 25, 1893. He was educated at the law schools of Columbia University, Washington, D. C., and the University of Minnesota; studied under Col. A. S. Worthington, of the firm of Worthington & Heald, of Washington, and was admitted to the bar July 10, 1893, before the court of



Frederick V. Brown

appeals of the District of Columbia. He is a member of the firm of Rome G. Brown & Charles S. Albert and is engaged in a general practice. He is connected chiefly with cases involving questions connected with railroads and riparian rights. He is one of the attorneys for the Great Northern Railway company, and as a member of the firm of Rome G. Brown & Charles S. Albert, is attorney for the Minneapolis Mill company, the St. Anthony Falls Water Power company, the Cream of Wheat company and other corporations. He was also one of the attorneys for the Minneapolis Trust company in the litigation connected with the sale of the West Pullman bonds in the matter of the receivership of the Northwestern Guaranty Loan company. He is a member of the local council for Minnesota of the American Bar association, and belongs to the legal fraternity of Phi Delta Phi.

FREDERICK VANESS BROWN.

Frederick Vaness Brown, of Minneapolis, was born in Washtenaw county, Michigan, March 8, 1862. His parents were Orestus S. Brown of Shakopee, Minnesota, and Evelyn Bortle Brown, who died at Shakopee in 1871.

Mr. Brown's ancestry is English, the founder of the family in America having come to Massachusetts in the ship Lyon, in 1632. The great-grandfather of the subject of this sketch, William Brown, was a soldier in the war of the revolution.

The parents of Mr. Brown moved from Michigan to Shakopee, Minnesota, when he was seven years old, and he began his education in the schools of that town. He attended the preparatory department at Hamline university one year, and at the age of nineteen came to St. Paul and secured employment in the office of the locomotive department of the Chicago, St. Paul, Minneapolis & Omaha Railroad company. He remained there until 1883, when he returned to Shakopee and began the study of law in the office of Hon. H. J. Peck. For two years he studied law and taught in the public schools, and was then admitted to the bar in Scott county. He formed a law partnership

with Judge Luther M. Brown at Shakopee, which continued until Judge Brown's death in 1886. For three following years he was associated with Senator Peck. In the spring of 1889 he moved to St. Paul and became the special attorney of the McCormick Harvesting Machine Co., continuing in that capacity until 1892.

In that year he moved to Minneapolis and formed a partnership with George W. Buffington. He afterwards formed a partnership, which still continues, with William A. Kerr. Since that time he has devoted himself to general practice, in which he has been highly successful.

Mr. Brown has taken an active and prominent interest in Masonic affairs, and has held various offices in several bodies. He is a member of the Minneapolis Mounted Knights Templar, Commandery No. 23. He was married to Esther A. Bailey of Prescott, Wisconsin, November 11, 1886, and they have two children, Jessica Marie and Howard Selden.

JAMES FRANKLIN WILLIAMSON.

James Franklin Williamson was born at Osborn, near Dayton, Ohio, January 9, 1853. His parents were George C. and Sarah A. Williamson, and his grandfather was James Williamson, one of the pioneer settlers of Ohio.

Mr. Williamson has had the advantage of a thorough education, which was begun in the public schools and continued at Princeton college, New Jersey, where he was an A. B. in 1877; fellow in social science in 1877-79; and a Ph. D. of Princeton in 1879 on examination for post graduate work.

He studied law under Ex-Governor George Hadley at Cincinnati, and with Lochren, McNair & Gilfillan at Minneapolis, in which city he located in 1881, and was admitted to practice the same year.

Soon after his admission to the bar of Minnesota he was appointed an examiner in the United States patent office, serving in that capacity during 1881-83. In 1885 he began regular practice in Minneapolis, making a specialty of patent and trade mark law and soliciting, and



James F. Williamson.



Arland P. Roberts

has been in continuous practice since. He appears in the United States courts and before the United States patent office, and has conducted various important infringement suits, both before the courts and the patent office.

Mr. Williamson practiced alone until 1900, when he formed a partnership with Frank D. Merchant under the style, Williamson & Merchant; the partnership still continuing.

Mr. Williamson had for many years, and his firm now has, a high class clientele, not only among local concerns but in New York, Chicago and other large cities, including many of note, like the Twin City Rapid Transit Co.; Peavey Elevator Co.; Monitor Drill Co.; Minneapolis Threshing Machine Co.; Washburn-Crosby Co.; Washburn Coupler Co.; Twin City Separator Co.; John L. Owens Manufacturing Co.; Standard Car Truck Co., of Chicago; McCord & Co., Chicago; Underwood Typewriter Co., New York; Goodson Graphotype Co., New York; Goodson Ignition Co., Providence; and many other concerns of importance in their respective lines.

Mr. Williamson is a member of the University club of New York City, of the Minneapolis club and the Commercial club of Minneapolis.

He was married at Minneapolis, June 9, 1896, to Emma F. Elmore, and two sons have been born to them.

Mr. Williamson is classed among the most successful men in his profession in the northwest, and as a citizen of high professional and financial standing.

HARLAN P. ROBERTS.

Harlan P. Roberts, present examiner for Hennepin county, Minnesota, under the Torrens law, was born December 5, 1854, in Wayne, Ashtabula county, Ohio, and is a son of George and Ann J. Roberts. He graduated from Oberlin college in the class of 1875 and entered Yale, where he studied theology, graduating from that institution in 1878. The same year he was ordained as a minister in the Congregational church and given a charge in Silverton, Colorado. Being a sympathetic and forcible speaker, he won the hearts of his parishioners

by his earnestness and zeal for his work, and it was with sincere regret that they learned, three years after his coming among them, that he had decided to give up his work in the clergy and enter the law. Entering the office of Nathaniel E. Slaymaker, of Silverton, he read law with him for two years, when he had so far mastered the subject as to be admitted to the bar of Colorado in 1883.

In December, 1884, he came to Minneapolis, where he has since applied himself to the practice of his profession before the various courts of the state. He is counsel for David C. Bell Investment Company; Hennepin County Savings Bank; Gregory Jennison Company; Gamble, Robinson Commission Company; Hennepin county as examiner under the Torrens law. A few of the many important and well known real estate and equity cases managed by him were Goodrich vs. Powers; Hull vs. King; Connecticut Mutual Life Insurance Company vs. Silas King; and the receivership of the City bank. While in Silverton Mr. Roberts was treasurer of San Juan county, Colorado. He was married October 3, 1888, to Miss Margaret Lee Conklin, of Binghamton, New York, and is the father of three children, viz., Margaret E., Leslie May, and Harlan Conklin. He is a member of Park Avenue Congregational church.

ROME G. BROWN.

Rome G. Brown was born at Montpelier, Vermont, June 15, 1862. He was graduated from Harvard university in 1884. After studying law in the office of Hon. Benj. F. Fifield, of Montpelier, for three years, he was admitted to the bar in the supreme court of Vermont October 24, 1887. Two months later he located in Minneapolis, where he has since resided. He first entered the law office of Benton & Roberts (Col. R. C. Benton and W. P. Roberts), at that time a prominent law firm; and in February following he was admitted to practice in the Minnesota courts. January 1, 1890, he formed a co-partnership with Benton & Roberts, the firm becoming Benton, Roberts & Brown. The partnership was dissolved by the death of Colonel Benton Jan-



Rome G. Brown

uary 5, 1895; after which time Mr. Brown was alone in his professional practice until February 1, 1900, when he formed the present law partnership, of which he is the senior member, consisting of Rome G. Brown and Charles S. Albert. He was admitted to practice in the United States supreme court May 27, 1895.

For the most part, in his professional career, Mr. Brown's work has been general, although he has been attorney for many important business interests and corporations. He has been for several years prominently engaged in legal controversies involving questions of water rights and water powers on lakes and streams. He is the attorney of the St. Anthony Falls Water Power Company and the Minneapolis Mill Company, the two corporations which control the entire water power of the Mississippi at Minneapolis, and is also attorney for the Great Northern Railway Company. He is also the legal representative of the Crookston (Minnesota) Water Works, Power and Light Company; the Grand Forks (North Dakota) Gas and Electric Company; the Minnesota Tribune Company; the Cream of Wheat Company, and of other commercial and manufacturing interests.

Mr. Brown was married May 25, 1888, at Marshfield, Vermont, to Miss Mary Lee Hollister, and two children have been born to their marriage.

LUDVIG ARCTANDER.

Ludvig Arctander, of Minneapolis, is a native of Norway. His parents are August H. and Carolina R. C. (Ahlsell) Arctander. He was born January 3, 1863, in the village of Skien, where he attended the high school, and later entered the University of Kristiania, Norway, where he continued his studies. In early manhood he came to the United States and took up the study of law, first at Granite Falls under Hon. Gorham Powers, present district judge of the twelfth judicial district, then at Willmar with his brother, John W. Arctander.

On September 15, 1885, he was admitted to the bar at Willmar, Minnesota. He has practiced in the United States district and circuit

courts of both this state and Wisconsin, as well as in the United States court of appeals. While engaged in general practice, he makes a specialty of personal injury cases.

Among those who have retained him as their attorney are Hon. E. H. Hobe, Swedish-Norwegian vice-consul at St. Paul, Minneapolis Music Company, C. E. Brackett Company and A. E. Johnson Company.

Mr. Aretander was joined in marriage on September 11, 1887, at Minneapolis, to Miss Laura Kjelstrup, by whom he has one son, Carl Louis Aretander, born May 21, 1890.

Mr. Aretander is a member of a number of fraternities, chief among them being the Modern Samaritans, Royal Arcanum, National Union, Modern Woodmen, Sons of Norway and United Ancient Order of Druids.

H. S. ABBOTT.

H. S. Abbott was born at Farmington, Dakota county, Minnesota, September 15, 1864. His parents were Abiel H. and Mary Ellen Abbott. His education was completed at the state university, from which institution he was graduated with the class of 1885. He was admitted to practice April 17, 1887.

While Mr. Abbott is a good general lawyer, he is perhaps best known for his work as a corporation attorney and for his thorough knowledge of the law of corporations. Soon after his admission to the bar he was appointed assistant general counsel of the Minneapolis & St. Louis Railway, and served in that position from 1887 to 1889. Subsequently, from 1889 to 1896, he was assistant general attorney of the Atchison, Topeka & Santa Fe System. He was special master in chancery in all of the cases involving the receivership of the Union Pacific Railway Company from 1897 to 1901. At present he is the standing master in chancery of the United States circuit court for the district of Minnesota. He is lecturer on corporation law in the college of law, or what is commonly called the law department of the State University of Minnesota.

He is a communicant of St. Mark's (Episcopal) church, Minneapolis, and belongs to the college fraternities of Phi Delta Phi and Delta Kappa Epsilon. He was married June 29, 1898, at Racine, Wisconsin, to Mary Louise Johnson, and has one child, a daughter, named Mary Louise.

FRED N. HENDRIX.

Fred N. Hendrix, of Minneapolis, is a son of Wellington and Abby Hendrix, and was born at Spring Prairie, Walworth county, Wisconsin, in 1854. He was educated in the university of that state, in the law department of which he received his legal training. He was admitted to the bar at Madison, Wisconsin, in 1879, and has practiced in the courts of Minnesota, Wisconsin and adjoining states. Mr. Hendrix became a resident of Minnesota in 1884.

Many important suits bear testimony to his skillful management. He was attorney for John T. Blaisdell in the Colfom forgery cases; was counsel in the State ex rel. Nils C. Breen et al. vs. Sven Oftedal et al.; Mahoney, as receiver of the Irish-American Bank vs. Hale, as receiver of the American Building & Loan Association; Cumbey vs. Lovett, etc.

Mr. Hendrix was married to Miss Ella F. Underhill, of Sharon, Wisconsin, October 19, 1881, and has one child, Helen R. Hendrix. He is a member of the Chi Psi fraternity.

WILLIAM H. DONAHUE.

William H. Donahue, of the Minneapolis bar, was born at Allen, Hillsdale county, Michigan, September 6, 1859, and is a son of James and Ellen Donahue. He attended the public schools of his native village, took the high school course at Hillsdale and read law under the preceptorship of Ezra L. Coon, of Hillsdale. He also attended the University of Michigan at Ann Arbor, and in May, 1881, graduated from the law department and was admitted to practice at Hillsdale, Michigan.

Mr. Donahue at once came to Minnesota to begin his career, and has successfully practiced civil law in all the courts, showing more than usual ability in his profession. He is attorney for Anthony Kelly & Company and the Singer Manufacturing Company; and so meritorious is his work that his clientage is extended and lucrative. He is a member of the local bar association. Mr. Donahue was married April 25, 1888, in the city of Chicago to Miss Mary L., daughter of James Walsh. Their family is composed of five children. Mr. Donahue is a member of the Catholic church.

CHAPTER VII.

STATE BAR ASSOCIATION.

The Minnesota State Bar association was organized at a meeting held in the capitol building in St. Paul, June 18, 1883.

The late Gordon E. Cole, of Faribault, was chosen president, and J. N. Castle, Charles E. Flandrau, Thomas Wilson, J. M. Shaw, D. B. Searle, Henry Hinds, John A. Lovely, F. B. Chew, and W. W. Billson were made vice presidents--representing an aggregation of legal brilliancy rarely met with in a single organization.

Hiram F. Stevens was chosen secretary, and work was at once begun to make the association worthy its name. The first annual meeting was held April 1, 1884, and forty-seven new members were enrolled. Judge Thomas Wilson succeeded General Cole as president. For several years the activities of the association were not marked, but in 1894 a revised constitution was adopted and new vigor was infused into the organization. Upon this occasion General W. J. Hand, president of the association, delivered a noteworthy address upon the purposes of the organization, and said, in part: "There are at least two directions in which an organization such as this can exert a most salutary influence upon the laws and their administration more effectively, more wisely and more rapidly than can be done by the individual efforts of its individual members. The first is legislation. In speaking of this matter a distinguished member of our profession, James C. Carter, in the annual address delivered at a meeting of the American Bar association, said: 'Here is the principal field of direct and voluntary reform. It is here that society can consciously note its defects and shortcomings and resolve upon change and improvement. And it is here that the imperfections of the instrumentality involves the greatest liability to errors. Surely there is no employment which demands a

larger measure of wisdom than that of surveying the field of human activities, observing the tendencies to evil, discerning the unconscious efforts of society to counteract them, divining the common thought which is animating the public mind and contriving plans which will be accepted as satisfactory expressions of thought. For such a work a combination of qualities is requisite which is rarely found in one individual. There is room and demand for the united labor of all.'

"The second is that of judicial inquiry and decision. Here is a vast field for effort peculiarly our own. It is our duty to keep abreast of and in full sympathy with every healthy, judicious advance made by society, catching the spirit which animates the movement, and making it our united aim to keep jurisprudence alongside other social tendencies. The influence of the bar in this particular cannot be overestimated. The discussions had, the labor performed, the permanent good, while perhaps not yet fully realized but which must inevitably grow out of work done by the American Bar association at their annual meetings, and particularly by the services of their committees on jurisprudence and law reform, on judicial administration and remedial procedure, on legal education and admission to the bar, throw much light upon what an association such as this may accomplish in our narrower, but for us and the people of this state, more important field."

Again, in 1901, pursuant to a call issued by Hon. Moses E. Clapp, who was then president of the association, a meeting was held in the senate chamber in the capitol building at St. Paul, and the following new constitution was adopted:

ARTICLE I. NAME.

This association shall be called Minnesota State Bar association.

ARTICLE II. OBJECT.

This association is formed to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal legal education, to cherish a spirit of brotherhood among the members thereof, and to perpetuate their memory.

ARTICLE III. MEMBERS.

Any member of the legal profession in good standing, residing and practicing in the state of Minnesota, may become a member of this association by signing the roll of members, or by directing the secretary to sign his name thereto, and by paying the annual dues for the current year.

The judges of the United States court within this state and of the supreme court and district court of Minnesota shall, during their respective terms of office, be honorary members of this association.

Other honorary members may be elected by the association.

ARTICLE IV. OFFICERS.

The officers of this association shall be a president, vice president, secretary and treasurer, and a board of governors, consisting of eleven members of this association, including the president, vice president, secretary and treasurer, who shall be ex-officio members thereof.

ARTICLE V. PRESIDENT.

The president, or in his absence, the vice president, or in the absence of both of them, one of the members chosen by those present as president pro tem., shall preside at all meetings of this association.

The president shall, if present, preside at all meetings of the board of governors, and it shall be his duty to deliver an address to the association at its annual meeting, and, immediately after its annual meeting, he shall call a meeting of the board of governors, and from the members thereof, appoint, for the ensuing year, the standing committees as set forth in Article VI. herein.

ARTICLE VI. BOARD OF GOVERNORS.

The management of this association shall be vested in the said board of governors, constituted as hereinbefore set forth, which board shall be vested with the title to its property as trustees thereof, until the incorporation of this association; the said board shall have the power to provide and amend by-laws for this association, not inconsistent with the constitution, by a two-thirds vote of those present at a meeting of said board. Such by-laws, however, will be subject to change by the association at any regular meeting.

Four members of said board shall constitute a quorum thereof for the transaction of all business.

The said board shall, immediately after each annual meeting of the association, meet for the appointment by the president of the following standing committees for the ensuing year.

First—An Ethics Committee, consisting of five members, to whom shall be referred all complaints of professional misconduct of members of the bar of this state, and all complaints affecting the interests of the legal profession, the practice of law and the administration of justice. The proceedings of this committee shall be in confidence and shall be kept in honorable secrecy, except in so far as written or printed reports of the same shall be necessarily and officially made to the said board.

Second—Committee on Jurisprudence and Law Reform, consisting of five members, to whom shall be referred all proposed changes in law or practice; and it shall be the duty of this committee to report thereon at each annual meeting of this association such changes or modifications of existing laws or practice, or such other matters affecting the interests of the profession as, in their judgment, ought to be proposed by the association.

Third—Committee on Legal Biography, consisting of three members, whose duty it shall be to provide for preservation among the archives of this association, suitable written or printed memorials of the lives and character of distinguished deceased members of the bar of this state.

Fourth—A Finance Committee, consisting of three members, who shall disburse, by order to the treasurer, the moneys of this association.

Fifth—A Library Committee, consisting of three members, whose duty it shall be to assist the justices of the supreme court in maintaining and advancing the interest of the law library of this state.

Sixth—A Committee on Legal Education, consisting of three members, whose duty it shall be to examine into and report to this association at its annual meeting the system of legal education and admission to the bar in this state, with such recommendations as to any changes therein as, in their judgment, shall be considered advisable. Such committee shall also from time to time confer with the state board of law examiners relative to the qualification and admission of candidates.

It shall be the duty of the board of governors of this association to retain an amply competent counsel to conduct such proceedings for disbarment or discipline of members of the legal profession in this state as shall, in the opinion of a majority of said board, be considered to be for the best interests of the public and of the bar of this state.

ARTICLE VII. SECRETARY.

The secretary shall keep a record of all the meetings of this association and of the board of governors, and, with the concurrence of the president, conduct its correspondence, and discharge such other duties of a like nature as shall be required of him by this association.

It shall be the duty of the secretary to mail to each member of the association written or printed notice of the annual meeting at least six days previous thereto.

ARTICLE VIII. TREASURER.

The treasurer shall collect, and upon the order of the chairman of the finance committee, shall disburse the moneys of this association and discharge such other duties of a like nature as shall be required of him by said board. He shall give such security for the faithful performance of his duty as treasurer as the board of governors shall require.

ARTICLE IX. MEETINGS.

This association shall meet annually at such time and place as the board of governors may select; special meetings of the association may be held upon such notice as the board of governors may determine, at a time and place to be fixed in such notice. Those present at such meetings shall constitute a quorum.

There shall be two regular meetings of the board of governors held on the first Tuesday in April and October in each year at the state capitol or such other place as the president shall determine, and there may be such other special and adjourned meetings of the said board as the president, or in his absence the vice president, shall determine.

ARTICLE X. FEES AND DUES.

The annual dues of members shall be \$2.00, and shall be payable to the treasurer in advance, at or before the annual meeting. Honorary members shall be exempt from the payment of dues.

ARTICLE XI. EXPULSION.

Any member may be suspended or expelled for misconduct in his relations to the association, or in his profession, or for non-payment of dues for one year, on the recommendation of the board of governors, by a two-thirds vote of the members of the association present and voting at any annual meeting of the association; and all interests in the property of the association, or persons ceasing to be members by expulsion, resignation, or otherwise, shall thereupon vest absolutely in the association.

ARTICLE XII. ELECTION.

All officers of this association shall be elected by a ballot at the annual meetings for the year next ensuing, and they shall hold their offices until the election and acceptance of their successors.

All vacancies in office shall be filled by appointment of the board of governors.

ARTICLE XIII.

This constitution shall go into effect immediately; it can be amended only by a two-thirds vote of the members present at an annual meeting of this association.

The election which followed resulted in choosing Hiram F. Stevens, of St. Paul, president; M. B. Webber, of Winona, as vice president; Stiles W. Burr, of St. Paul, secretary, and Fred V. Brown, of Minneapolis, treasurer; and F. W. Gail of Stillwater, E. T. Young of Appleton, Augustus Armstrong of Albert Lea, L. F. Lammers of Heron Lake, S. D. Catherwood of Austin, Halvor Steenerson of Crookston, and John G. Williams of Duluth, members of the governing board.

At the last annual meeting of the Minnesota Bar association the following officers were elected:

FREDERICK V. BROWN, Minneapolis.....	President
E. F. YOUNG, Appleton.....	Vice President
JAMES D. SHEARER, Minneapolis.....	Treasurer
CHARLES W. FARNHAM, St. Paul.....	Secretary

Governing Board—LAFAYETTE FRENCH, Austin; W. E. YOUNG, Mankato; ALBERT SCHALLER, Hastings; STILES W. BURR, St. Paul; ROME G. BROWN, Minneapolis; JOHN W. MASON, Fergus Falls; LYNDON A. SMITH, Montevideo; C. O. BALDWIN, Duluth; A. C. WILKINSON, Crookston.

At this meeting the retiring president, Marshall B. Webber, of Winona, addressed the members as follows:

Gentlemen of the State Bar Association:

I feel that it would be inopportune and presumptuous in me at this time, following the eloquent and interesting address of our distinguished guest, who has honored us with his presence, and especially in view of the business yet to be transacted, to employ much time with any utterances of mine. I shall, therefore, content myself, and in so doing, lend contentment to you, with a few brief observations upon our association.

It has been said that that country is happiest that is without a history, and if this proverbial utterance be true, applying it to the Minnesota State Bar association, we have, indeed, a most happy organization; for, although organized in 1883, few meetings prior to 1900 were ever held, and no trace of its constitution, by-laws, or records can be found. Having fallen into so complete a state of "innocuous desuetude," a vigorous effort was put forth in the fall of the latter year to resuscitate or reorganize the association, and it is no disparagement to any others to say, that greatest credit is due for the results that followed, to Fred V. Brown and Rome G. Brown, of Minneapolis; Senator Clapp, Hiram F. Stevens, Stiles W. Burr, and Wm. R. Begg, of St. Paul. On January 9, 1901, a new constitution was adopted; Hiram F. Stevens was elected president, and a year of activity followed concluding with the annual meeting and banquet that will not soon be forgotten and will serve as a milestone from which history may hereafter be recorded.

Starting with a membership of less than one hundred, the association now numbers over five hundred, but this number is too small by one-half, and an increase therein is earnestly to be desired.

The objects of the association as outlined in Article 2 of the constitution are "To cultivate the science of jurisprudence, to promote reform in law, to facilitate the administration of justice, to elevate the standard of integrity, honor, and courtesy in the legal profession, to encourage a thorough and liberal legal education, to cherish a spirit of

brotherhood among the members thereof and to perpetuate their memory." These are worthy objects that merit the enlistment of every lawyer of the state in their accomplishment, but these laudable purposes thus chronicled in our constitution cannot be accomplished by those whom you may choose as your officers, or the committees thereafter appointed, unaided and alone, but must have, to accomplish results, the aid and co-operation of every member. It has come to my knowledge through the various legal publications and from interviews with members of the profession from other states, that apathy is the rule with bar associations, and we may extract whatever comfort there is from the fact that we have not been an exception; but why should the lawyer fail to take a live interest in the affairs of his profession, and those things that are for its betterment, that have their origin and promotion in organization? Every other profession, calling and trade have aggressive and efficient associations, efficient in promoting that which redounds to the interest of their particular calling, trade, or—I use the word advisedly,—a live, progressive, efficient, resourceful and resultful association. We can, with becoming dignity, and without fear of being charged with undue egotism, assert that no other profession or calling has greater influence in the affairs of state, or greater responsibility for state legislation than the legal profession; yet the sheriffs and the clerks of court of the state have through their associations more than once succeeded in defeating legislation of the highest importance to those having business with the courts directly affecting the client, and indirectly affecting the lawyer. Individual effort is not enough: Results can be best obtained by organization. In these days of alarming multiplication of our statute laws, and the necessarily increasing number of decisions giving judicial construction thereof, the lawyer, to save himself from being engulfed in this vortex, must bestir himself.

I believe that a state bar association has, and should exercise other functions than now and then as the Reaper makes need, coming together to pass high and unduly eulogistic, if not untruthful, resolutions upon the life of the departed. Personally, I prefer your bouquets in life, for indeed, "A single rose to the living is more than sumptuous wreaths to the dead." Neither should we be satisfied to meet together once each year, to eat, drink and be merry, though, that alone is laudable, and it is part of our creed to cherish a spirit of brotherhood.

Much has been accomplished in a quiet way by this association during the past year, and I am gratified to be able to state that a fraternal feeling has been engendered that will not permit the association to again recede. But the future will call for more aggressive work. I urge upon this association that in future it give more attention to legislation; especially such legislation as affects the practice of the law. I am informed that the Michigan State Bar association during the past session of the legislature of that state maintained at the capitol an efficient lobby in the interests of needed legislation. The funds of the association should be liberally used in defraying the expenses of the several standing committees, and such special committees as from time to time it becomes necessary to appoint: there can really be no other legitimate need for funds. The association should interest itself in the subject of legal education, and see to it that the standard is materially elevated. Many reforms are needed to facilitate the administration of justice, that can be accomplished only through this association. Let us have an eye mindful of the proper standard of integrity, honor and courtesy in the ranks of the profession, and every violation of such standard should be called to the attention of the ethics committee, and in no instance should that committee fail to act, and act vigorously and promptly.

The revision of the statutes, which scheme had its origin in the association, should still command and receive attention, and the revision commission given the aid of suggestions and advice, which I, personally, know they desire. In this connection, I recommend the continuance of a committee for this purpose. The time and manner of the publication of our reports should receive attention, and a standing committee to look after this subject would not be amiss.

With these suggestions, I surrender the office of president to a more worthy successor, and bespeak for the future of the Minnesota State Bar association your cordial support.

CHAPTER VIII.

BIOGRAPHICAL SKETCHES OF LAWYERS WHO HAVE ATTAINED PROMINENCE AND SUCCESS IN THEIR RESPECTIVE LOCALITIES.

F. W. M. CUTCHEON.

Franklin W. M. Cutcheon, formerly a prominent and well known lawyer in St. Paul, now of New York City, was born at Dexter, Michigan, March 6, 1864. He is a son of Gen. Byron M. Cutcheon, a Union brigadier general in the war of the rebellion, subsequently a member of congress, etc., and the maiden name of his mother was Marie A. Warner.

Mr. Cutcheon was educated at the University of Michigan, and prepared for the bar in the law department of that institution and under the personal instruction of the distinguished judge and legal author, Thomas M. Cooley. He was admitted to the bar at Ann Arbor in May, 1885, and July 15th following located in St. Paul.

From 1886 to 1898 Mr. Cutcheon was a member of the law firm of Flandrau, Squires & Cutcheon, his partners being Chas. A. Flandrau and Geo. B. Squires. This was regarded as one of the strongest firms in the state, not only in ability but in patronage. After the withdrawal of Judge Flandrau in November, 1898, its style was Squires & Cutcheon until May, 1899, when Mr. Cutcheon removed to New York City. In the metropolis he was, from June, 1899, to January, 1902, a member of the firm of Cutcheon, Hare & Holter, and since the latter date he has been a co-partner with Hornblower, Byrne, Miller & Potter. He is a member of the bar of the United States supreme court and of all the courts of New York, Minnesota and Michigan, but his work is almost altogether performed in the federal



W. H. Hamby.
4

and state courts of New York and in the United States supreme court, and is general in its nature.

When in the practice in Minnesota Mr. Cutcheon was regarded as an accomplished lawyer in all respects, a safe counselor, a most excellent manager and a good advocate. Some of the important cases in which he was one of the leading counsel was *McKusick vs. Seymour, Sabin & Co.*, and *Hospes vs. the Northwestern Manufacturing & Car Company* and cognate cases, relating to the affairs of the great Stillwater manufacturing companies; the *State ex rel. vs. the Chicago, Milwaukee & St. Paul Railway Company*, the "milk rate" case, and the foreclosures of the Northern Pacific and the Minneapolis & St. Louis Railways.

He was prominent as a democrat and held various positions in his party, but never sought an office or an appointment. He was, however, out of sympathy with his party in 1896, and like many other democrats, refused to support Mr. Bryan for president.

Mr. Cutcheon was married in St. Paul February 5, 1891, to Sarah Gibson Flandrau, a daughter of Judge Charles E. Flandrau.

MARTIN FRANKLIN HANLEY.

Martin Franklin Hanley, of the Minneapolis bar, is a native of St. Louis county, Missouri, where he was born in 1859, coming of transplanted southern stock. His father, whose full name he bears, having been born in Mason county, Virginia, in 1814, removed to St. Louis in 1834, and there married Cyrene Clemens Walton, a daughter of Judge James Walton, formerly of Prince Edward county, Virginia, who removed to St. Louis in 1794.

M. F. Hanley was educated in St. Louis, and read law in the office of the Hon. Henry Hitchcock, of that city. Graduating from the St. Louis law school, a department of the Washington university, of St. Louis, with the class of 1879, he was admitted to practice late in that year. For a short time he remained in St. Louis in the office of his preceptor, and later represented the Vandalia Railroad Company

in East St. Louis. In 1882, after spending a season in southern Colorado, he accepted a position with a manufacturing corporation at Rock Island, Illinois, attending to its affairs in the line of his profession till November, 1884, when he removed to Minneapolis, where he has ever since been in active practice. From 1891 to 1894 he was in partnership with L. L. Longbrake, of the Hennepin county bar. Since the dissolution of that copartnership he has been without an associate in the practice.

Mr. Hanley appears in all state, United States, circuit and supreme courts in general practice. However, of late years he has devoted the greater share of his time and attention to real estate and probate law, particularly to litigation involving wills. In addition to his work at home, within the past ten years he has successfully conducted three important will suits without his state, involving in the aggregate \$1,600,000.00, and three suits involving title to land in St. Louis, worth nearly a million dollars, necessarily taking him from his office much of the time during that period. He is special counsel for several resident and non-resident corporations, real estate dealers, insurance companies and trustees of estates, and has personally served in a great many estates as receiver and administrator. Mr. Hanley is conservative in politics, and has neither sought nor held public office nor indulged in sensational litigation; preferring to devote his energy to his personal and professional work. Like most men, reared in the country as he was, he enjoys outdoor sports and athletics. In his youth the necessity of riding on horseback eight miles morning and afternoon for seven years in attending school gave him a splendid foundation for the superb physical health which he has always enjoyed, and which has been reinforced by his numerous outings in fishing and hunting since coming to Minnesota. It is likely that he is the most persistent fisherman and the most enthusiastic hunter for large and small game at the bar of his town, although it is said, without dispute by him, that he is not a lucky fisherman nor a good shot with rifle or gun. He makes rod and gun his excuse for being upon the water and in the woods for the best recreation.



Charles J. Dyson

Mr. Hanley is a brother of John A. Hanley, for many years a successful and popular railroad traffic manager in Minneapolis and St. Paul, later of Chicago.

His family consists of his wife, formerly Emeline S. Buford, daughter of Capt. T. J. Buford, of Rock Island, Illinois, to whom he was married May 14, 1895, and two sons, John Buford and Franklin Bell Hanley.

CHARLES JOHN TRYON.

Charles John Tryon, of Minneapolis, is descended from old English and French Huguenot stock. William Tryon emigrated to America from England in 1640.

Chas. J. Tryon was born at Batavia, New York, September 8, 1859. He began his education in the Batavia union school, but at the age of fifteen was compelled to leave his studies and assist in the support of the family, the business collapse of 1873 having brought reverses to his father. In 1878 he secured a clerkship in the first auditor's office in the treasury department at Washington, and remained there until April, 1886, when he concluded to locate at Minneapolis. Mr. Tryon had devoted as much time as possible to the study of law while serving his clerkship, with the result that he secured the degree of LL. B., from the law school of the National university; and the Columbia law school conferred upon him the degree of LL. M. Becoming a resident in Minneapolis, he entered the law office of Kitchel, Cohen & Shaw, and very soon afterwards was appointed examiner for the Minnesota Title Insurance and Trust company. His promotion was rapid and he was made assistant counsel, and in 1892, counsel of the company. In 1895, while still retaining his position with the trust company, he began general practice, giving, however, special attention to real estate, corporation and insurance law.

Mr. Tryon has never permitted a desire for political preferment to interfere with the study and labor of his profession, and has therefore never sought or held elective office. He is counsel for many other

corporations and firms. He is now associated with W. F. Booth, under the firm name of Tryon & Booth.

ASA GILBERT BRIGGS.

Asa Gilbert Briggs, of the St. Paul bar, was born at Arcadia, Trempeleau county, Wisconsin, December 20, 1862. He is of remote Welsh extraction, his early ancestors coming from Wales to New England. His parents, Dr. Isaac A. and Elizabeth Briggs, are both natives of Vermont, but resided in Wisconsin from 1858 to 1884, when they removed to St. Paul.

Mr. Briggs was reared and educated in his native county, and was graduated from the Arcadia high school in the class of 1879. He took a four years' course in general science, with special studies in modern classics, at the University of Wisconsin, graduating in 1885. He was prominent in his college work, was for a considerable time editor of the University Press and was one of the orators of his graduating class. While at college he held clerical positions during two sessions of the Wisconsin legislature.

Mr. Briggs came to St. Paul, where his parents and his brother, Dr. Warren S. Briggs—the latter a well known physician—then resided, and began the study of law. In 1886 he entered the law department of the Wisconsin State University, and was graduated therefrom with the law class of 1887. Returning to St. Paul, he was for some months in the service of the St. Paul Title Insurance and Trust Company, after which he established himself in his chosen profession. His first office was desk room in the Chamber of Commerce building and his law library consisted of the Minnesota Reports and Statutes and a few college text books. In a short time he built up quite an extensive practice, but in the spring of 1890 his health became impaired.

After about one year's illness Mr. Briggs was able to resume his professional work, to which he has ever since been assiduously devoted. His success has been remarkable. He is known as a careful, painstaking lawyer, has had a large and varied practice, and



A. G. Briggs





Clifford A. Jay

has represented many important interests. His court practice has been very large and he has won a large proportion of his cases. One of his legal brethren says of him: "As a trial lawyer Mr. Briggs is vigorous and able, but he particularly excels as a counselor and in the preparation of his cases." For a time Mr. Briggs was associated with Hon. George L. Bunn, now of the district bench of Ramsey county, in the legal firm of Briggs & Bunn.

In January, 1894, Mr. Briggs formed a partnership with M. L. Countryman, under the firm name of Briggs & Countryman, this association lasting two years. In July, 1898, he associated himself with J. L. D. Morrison, in the firm of Briggs & Morrison, which was dissolved when Mr. Briggs was chosen general attorney for the Chicago Great Western Railway company.

Mr. Briggs has always been a republican in politics, though never an active partisan. He is a member of the Minnesota club, the St. Paul Commercial club, the Masonic fraternity and the Royal Arcanum.

He was married in 1891 to Miss Jessica E., daughter of S. L. Pierce, a prominent St. Paul attorney.

TRAFFORD NEWTON JAYNE.

Trafford Newton Jayne, of the Minneapolis bar, was born near Lewistown, Winona county, Minnesota, November 3, 1868. His parents were Havens Brewster Jayne and Nellie Victoria (Pike) Jayne. The Jayne family are direct descendents of William Brewster, who was a member of the Mayflower colony.

Trafford N. Jayne received his education in the district schools of his native county, which was supplemented with a three years' course in the graded schools of Winona. After leaving the graded school he engaged in telegraphic and railroad work for a few years, when, in the fall of 1886, he entered the University of Michigan, and finished a four years' course in three years. On leaving college he returned to Minnesota and accepted a position as chief clerk in the office of Williams & Goodenow, at St. Paul, where he remained until the following May. In January, 1890, he was admitted to the bar

in Ramsey county. During the fall of that year he formed a partnership with C. B. Palmer, under the firm name of Palmer & Jayne. This partnership existed until January 1, 1892, when Mr. Jayne was tendered the attorneyship of the Wilber Mercantile agency in Minneapolis, which he accepted. On April 1st of the same year he entered into partnership with Robert G. Morrison, under the firm name of Jayne & Morrison, which continued until 1897, when the firm was dissolved, and Mr. Jayne formed a partnership with A. L. Helliwell, under the firm name of Jayne & Helliwell. After the dissolution of this partnership Mr. Jayne continued in the practice alone, appearing in all state and federal courts. He makes a specialty of corporation and personal injury law, and has been very successful. His political affiliations are with the republican party. He is a member of the Congregational church, and of the Masonic and Elk bodies.

JAY L. REYNOLDS.

Jay Lincoln Reynolds, of Bemidji, is one of the leading members of the bar of that city. He was born March 15, 1858, in Lawrence township, Van Buren county, Michigan, son of George S. and Margaret (Luke) Reynolds. He was reared, educated in his native state and later when he began to devote himself exclusively to the law, studied with George Sales and John H. Hickok, of Flint, Michigan.

He was admitted to the bar January 28, 1893, in the Genesee county circuit court, Judge Wm. Newton presiding. In 1897, Mr. Reynolds came to Minnesota and settled at Bemidji. For a time he was associated with Mr. L. H. Bailey, under the name of Bailey & Reynolds, and later with the late W. F. Street, under the name of Street & Reynolds. At present he is practicing alone and has a good clientage. Mr. Reynolds devotes very little time to anything else but the law, but has been called upon to share in the burden of administration of Bemidji, and is now serving his second term as justice of the peace.



J. H. Reynolds

Mr. Reynolds was married August 14, 1901, to Dixie Smith. They have one child, a son.

STANLEY R. KITCHEL.

Stanley R. Kitchel was born in Detroit, Michigan, July 4, 1855. He received his early education in the public schools of Detroit and Chicago, and prepared for college at Middlebury, Vermont. He entered Middlebury college in 1872, while his father, Dr. Harvey D. Kitchel, was president of that institution. Leaving Middlebury in 1874, he entered Williams college and was graduated in the class of 1876. After a short period of law study in Warsaw, New York, he moved to Minneapolis, where he completed his studies, and was admitted to the Hennepin county bar in June, 1878. From that time until his death, on December 7, 1900, he was in active practice, except during the later years, when his increasing ill health compelled a lessening of his work.

Mr. Kitchel was, by nature and education, a counsellor rather than an advocate. He sought definite and systematic results and found stimulus and pleasure in orderly sequences. He was thus led away from the clash of the court room to those branches of the law which demand accuracy rather than immediate readiness. In the early years of his practice he chose wisely the field for which he was best fitted—the law of land titles and the work of the counsellor—and in that field his care and thoroughness earned him the highest reputation. His broad and sure judgment found a just solution for many of the intricate questions of title arising in a comparatively new community, and he became a recognized authority in Minnesota. He is to be classed with the land lawyers of the common law before conveyancing became a matter of printed forms.

The same qualities of exactness and patience characterized his professional work as an adviser. To this work he brought not only the essential equipment of high character and unflinching rectitude, but also great executive ability.

His counsel, based on ample reading, illumined the letter of the law with the light of practical knowledge. He belonged distinctly to that high class of lawyers who see both sides and seek for their clients only what justice permits.

Although Mr. Kitchel added nothing of his own writing to the burdened shelves of the law, he did not leave undone his duty to his profession. He was particularly interested in gathering a law library for the local bar. To this object he devoted himself generously for many years, and was not deterred by the misfortune of fires which, on two occasions, partly destroyed his work. After each casualty the library was again restored, mainly through his efforts. It stands to-day a monument to his patience and enthusiasm.

In politics Mr. Kitchel was a republican. He took a keen interest in public affairs, but declined all public offices until 1898, when he was elected a member of the Minneapolis library board. His failing health, however, prevented him from undertaking the duties of the office. He was president of the Minneapolis bar association from 1894 to 1897, president of the Minneapolis club from 1895 to 1897, and a member of the several Masonic bodies. He was married December 2, 1879, to Anna C. Gerhard, of Delaware, Ohio, who, with a son, survives him.

GEORGE H. REYNOLDS.

George H. Reynolds, of St. Cloud, son of the late Judge Reuben Reynolds, of Crookston, Minnesota, was born at La Monte, Michigan, January 26, 1852.

The family moved to Minnesota in 1855, and settled at Rochester, where Judge Reynolds at once became prominent in the territorial days and affairs of the future commonwealth.

The early education of George H. began in the local public schools, where he fitted himself for a course at the University of Michigan. Graduating in 1875, he returned to Minnesota, located at Alexandria and became the law partner of Knute Nelson (now United States Sen-

ator Nelson), under the firm name of Nelson & Reynolds. He practiced extensively at Alexandria and St. Cloud, and in 1886 moved to the latter place. His first partnership was with Mr. Bruckert, and subsequently, with George W. Stewart, under the name of Reynolds & Stewart, which was dissolved in 1890, when he practiced alone until May 1, 1898.

Mr. Reynolds then established the firm of Reynolds & Roeser, which has continued to the present time.

For a number of years Mr. Reynolds' practice has been largely confined to corporation law, and he has been for a long time the local attorney of both the Great Northern and the Northern Pacific railway companies.

Mr. Reynolds has been twice married. First to Mary Cowing, of Alexandria, in 1877; and in 1889, to Mary R. Lyndell, of Los Angeles, California.

DE FOREST BUCKLIN.

De Forest Bucklin was considered by the community in which he lived an ideal man and citizen. Judge Montague fittingly expressed the general sentiment when he said: "He was the most honorable business man I have ever met. He was the most modest man for his attainments that I ever knew." That tribute is a priceless inheritance for his wife and children. De Forest Bucklin was born at Rochester, Minnesota, 1857, and died at Crookston, Minnesota, May 30, 1903. All his life he was a resident of his native state, and had achieved honorable and prominent position in his profession of the law. He graduated from the high school at Rochester and studied law in the office of Hon. C. C. Wilson. He was admitted to the Olmsted county bar in 1881, and located at Fisher, in the Red River valley, in 1882. In 1889 he married and removed to Crookston, where he remained until his death. He quickly became one of Crookston's best known and most influential citizens, and a leading member of the bar of Northern Minnesota. In the memorial tribute paid by the Polk County Bar asso-

ciation are single sentences which tell the estimation in which De Forest Bucklin was held: "His keen sense of honor and exalted integrity won and kept the confidence of every member of the bar." "No man in the state stood higher in the good will of his associates than did De Forest Bucklin." "His friends were limited only by the circle of his acquaintance."

The estimation in which Mr. Bucklin was held by the community in which he lived was evinced by the closing of all the business houses of Crookston on the day of funeral, and the attendance of the people en masse to pay respectful tribute to the rites of burial.

Mr. Bucklin had been repeatedly elected city attorney of Crookston, and was considered available for the district court judgeship.

He was a member of the Masonic order, and also of the Elks; and his funeral was conducted by the Masonic lodge of which he was a member.

GEORGE W. STEWART.

George W. Stewart, of the St. Cloud bar, is a native of the state, and was born at Royalton, June 18, 1859. What education he received was at the ordinary country school, and this was supplemented with an advanced course at the normal school at St. Cloud. He began the study of law in the office of Capt. Oscar Taylor, who for years was a prominent member of the bar, but whose failing health compelled him some time since to discontinue his practice and leave the state.

Mr. Stewart was admitted December 3, 1884, and in January of the following year formed a partnership with Captain Taylor, under the name of Taylor & Stewart. This continued until October 3, 1887. Then a partnership was formed with Judge Searle, which continued until the latter's appointment to the district bench, November, 1887. The firm of Reynolds & Stewart was then formed, which lasted until January 1, 1890, when Mr. Stewart engaged in practice alone until the present firm of Stewart & Brown was formed, November 17, 1901. From 1898 to 1901 Mr. Stewart was city attorney of St.

Cloud, and filled the office very acceptably. He has had no political aspirations, however, but has been called upon to share in the burden of civic administration. For several years he was a member of the city council, was president of the board of managers of the state reformatory of St. Cloud, and for eighteen consecutive years has been a member of the school board, having filled all the offices at different times.

August 23, 1888, Mr. Stewart was married to Mary L. Huntsman. They have two children.

ARTHUR PALMER BLANCHARD.

Arthur Palmer Blanchard was born at Zumbrota, Minnesota, June 25, 1862, son of Henry and Alivoisa (Palmer) Blanchard. The family came from New England in 1857 and settled in Zumbrota, where Arthur P. received his preliminary education. Later he studied law in Illinois, at Ottawa, and was admitted to practice in Illinois in 1884. Two years later he was admitted in Minnesota and shortly after located at Little Falls. He practiced alone at first and then formed the partnership of Blanchard & Sheldon, which lasted for only a short time. In 1894 he became a member of the firm of Lindbergh, Blanchard & Lindbergh.

In 1894 the name became Lindbergh & Blanchard and is the present style. The firm is the leading one at Little Falls and represents several important corporations. He was married May 17, 1892, to Elizabeth Thacher, who died in 1898. Two children survive.

CHARLES A. LINDBERGH.

Charles A. Lindbergh, of the firm of Lindbergh & Blanchard, Little Falls, Minnesota, is a native of Stockholm, Sweden. He was born January 20, 1859, the son of August and Louise Lindbergh.

The family settled in Melrose, Minnesota, in 1860. Mr. Lindbergh received his preliminary education in the Melrose school and at Grove Lake academy, and later attended the University of Michigan, and

graduated in the law department there in 1883. He was admitted to practice law in Michigan and Minnesota the same year. He was in the office of Searle, Searle & Lohman, St. Cloud, Minnesota, practicing law for one year, and in May, 1884, located at Little Falls, and has continued there in practice ever since. He is now a member of the firm above named. The firm has a large practice in northern Minnesota. Neither member has ever taken any active interest in politics, though Mr. Lindbergh served one term as county attorney shortly after locating at Little Falls.

CHARLES S. MARDEN.

Charles S. Marden was born at Randolph, Vermont, October 2, 1864. He was educated at Bristol academy, Bristol, Vermont. He came west with his parents in 1882, settling first at Winona, Minnesota, but soon after, in the same year, at Fergus Falls. There he taught school and read law under the direction of his father, Col. Riley H. Marden, and also with Judge M. R. Tyler. He was admitted to practice March 26, 1887, but continued his work as a teacher until 1891, when he went to Barnesville, where he has since devoted himself to the practice of law.

Mr. Marden is a republican in politics. He has served both as city and county attorney, and has been a member of the local school board many years.

January 2, 1886, he was married to Elise E. Cayo, and two daughters have been born to them.

WILLIAM E. TODD.

William E. Todd, of Albert Lea, Minnesota, was born at Geneva, Kane county, Illinois, August 14, 1853, and died at Mankato, Minnesota, November 11, 1899. His father was Rev. Miles G. Todd, who married Helen M. Parker.

William E. Todd was naturally a student and of scholarly tastes. After attending the high school at Columbus, Wisconsin, in 1869, he



Chas. S. Marden

entered the Jefferson Liberal institute, a Universalist school at Jefferson, Wisconsin, where he remained two years, paying his way through school by outside work. In the fall of 1874 he entered the University of Wisconsin, taking a general course, and graduated with honors in 1877. While in college he was noted for his proficiency in Latin and history, and a portion of the time he was assistant instructor in chemistry. A few months after his graduation, Mr. Todd assumed the principalship of the schools at Lodi, Wisconsin, and in connection with his school work, began the study of law. February 22, 1880, he married Miss Alice I. Coapman, who was at the time a teacher in the Lodi schools. The following summer he entered the law office of A. J. Cook, Esq., of Columbus, Wisconsin, and continuing his legal studies for a year was then admitted to the bar at Portage. In the fall of 1881 Mr. Todd removed to Albert Lea, and formed a partnership with the late Judge E. C. Stacy. He continued in partnership with Judge Stacy for about two years, when he became associated with the late Judge John Whytock. This association was dissolved in a comparatively short time and thereafter Mr. Todd engaged in the practice on his own account, until 1897, when he formed a partnership with Henry C. Carlson under the firm name of Todd & Carlson. Mr. Todd early became prominently identified with the interests of Albert Lea. He had not been in the city very long when he became a member of the school board, and was its clerk for fifteen years, retiring in 1897, after positively declining a re-election. Though this position was not at all remunerative or distinguished, he regarded it as a place of high responsibility and one of great honor and trust.

In 1886, after serving two terms as city attorney of Albert Lea, he was elected county attorney of Freeborn county; he was re-elected in 1881, holding the office for two terms. He was an enthusiastic republican and took an active interest in the affairs of his party. He was frequently a delegate to his party's conventions, often took part in political campaigns, was a noted public speaker, and at the time of his death was an executive member of the republican state committee.

Mr. Todd literally "died in the harness," being stricken down by apoplexy, while in the federal court room at Mankato, engaged in the trial of a case. He had secured a large clientage and a lucrative practice; was the attorney for numerous business firms and associations, a number of railroad corporations, and had a general extensive practice as well. He was a prominent member of the Minnesota state bar association, and for three successive years this organization sent him as a delegate to annual conventions of the National Bar association.

As has been stated, Mr. Todd was married February 22, 1880, to Miss Alice I. Coapman. Mrs. Todd and her daughter, Liela, are living in Albert Lea. Other surviving members of Mr. Todd's family are his mother, Mrs. Helen M. Todd; two sisters, Mrs. Eugene C. Chrisler, of Albert Lea, and Mrs. Henry Mead, of Shell Lake, Wis.; also four brothers—Charles, Lewellyn and William Todd, of Merrimac, Wisconsin, and Miles Todd, of Thief River Falls, Minnesota.

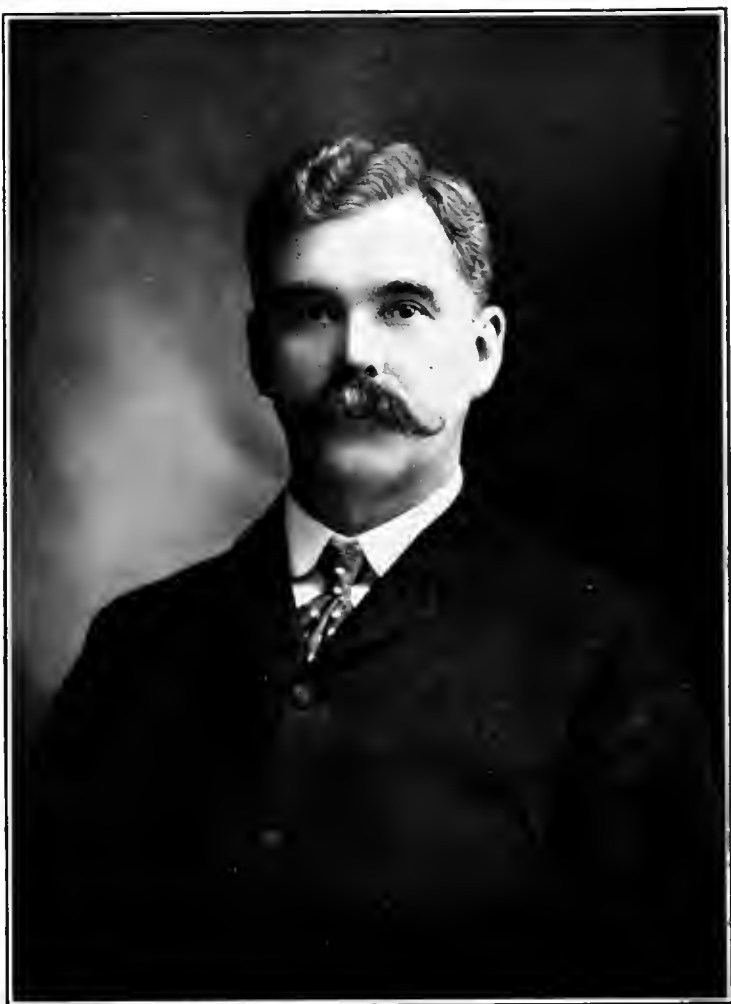
NICOLAI F. FIELD.

Nicolai F. Field, of the Fergus Falls bar, was born August 13, 1872, in Murray county, Minnesota. He graduated from the high school of Fergus Falls in 1894; the Iowa college of law in 1899, and was admitted that year in both Iowa and Minnesota. He commenced the practice of law in Fergus Falls in 1899, and practiced alone until 1902, when the partnership of Hought & Field was formed, upon the appointment of the senior partner to the United States district attorneyship.

Mr. Field is the present city attorney of Fergus Falls. He was married in September, 1900, to Ida Adams.

GEORGE E. PERLEY.

George E. Perley, of Moorhead, Minnesota, was born August 19, 1853, at Lempster, New Hampshire, son of Asbury F. and Sarah J. (Dodge) Perley. The ancestry on the father's side was Welsh, the



George E. Perley

original Perley in this country having come to America sometime in the seventeenth century.

Mr. Perley was educated in the New England schools and at Kimball Union academy and Dartmouth college. He was admitted to the New Hampshire bar in 1883. In 1884 he practiced in Boston and then came west, locating at Moorhead, Minnesota, where he has since resided. For two years he was associated with John B. Wellcome. Since that time he has practiced alone and has made a specialty of real estate law. For some years he was local attorney for the Great Northern Railway company. He has always been deeply interested in educational matters and is a member of the Moorhead school board and a trustee of Fargo college. Mr. Perley is now a member of the state legislature. He was married May 8, 1884, to Etta Jones, of Windsor, Vermont, and they have one daughter, Grace Perley.

Mr. Perley is recognized as a valued citizen and a safe and conservative representative of his profession.

ARTHUR B. CHILDRESS.

Arthur B. Childress, of Northfield, Minnesota, was born at Kingston, Tennessee, August 17, 1871. He is a son of John B. and Mary Glen Childress. He attended the common schools of his native town and graduated from Grant university at Athens, Tennessee, in June, 1898; and was soon afterwards admitted to the bar at St. Paul. He practiced law at Dundas for two years; entered the law department of the University of Minnesota and graduated from that institution in June, 1898; and was soon afterwards admitted to the bar at St. Paul. Shortly after his admission to the bar he formed a partnership with Hon. Thomas J. Dougherty, under the name of Childress & Dougherty. This partnership existed until July 1, 1902, when Mr. Dougherty retired from practice, and a new firm was formed known as Childress & Blood.

Mr. Childress appears in all state and federal courts of this district. By strict attention to his profession he has built up a successful prac-

tice and enjoys the confidence of both the bench and his brother lawyers. He is a member of the Masonic order, and takes a keen interest in political matters. He was married in January, 1901, to Miss Mabel E. Noel, of Herman, Minnesota.

M. D. TAYLOR.

Myron D. Taylor, of St. Cloud, was born at Byron, Maine, December 30, 1855, he came to Minnesota in 1858, with his parents, who first settled in Wright county; and then, in 1862, removed to Stearns county. He attended the University of Minnesota, graduating in 1878. For two years following he was principal of schools at Henderson, Minnesota, and also was in the office of S. & O. Kipp, for a year. He has been associated in practice with Oscar Taylor, D. T. Calhoun, and, in 1898, the present firm of Taylor & Jenks was formed.

At the present time Mr. Taylor is register of the United States land offices, and has held the position of city attorney for twelve years, from 1886 to 1898. In February, 1883, Mr. Taylor was married to Anna Frank, of Henderson, and they have two children.

JOHN OWEN BARKE.

John Owen Barke, of the Fergus Falls bar, is a native of Norway, born in Saude, Stavanger Amt, November 12, 1850. He attended the public schools in Norway as well as in the state of Iowa, after his arrival there, which occurred in May, 1870. In 1875-6 he attended Luther college, at Decorah, Iowa; and thereafter, the North Missouri state normal school at Kirksville, until the spring of 1878. During the years of study he spent his vacations at work on his father's farm in Story county, Iowa, and teaching school. In 1878 he began the study of law, and attended the Iowa college of law, at Des Moines, graduating in June, 1880, from said college, which is now the law department of Drake university of Des Moines, Iowa; and on graduation was admitted to the bar in Iowa.

In August, 1880, Mr. Barke came to Otter Tail county, Minnesota, and opened a law office at Fergus Falls, having also been admitted to the bar in this state, and has practiced continuously ever since.

His practice has been general, but more particularly along the line of the law of real property. For twelve years he has been attorney for the Fergus Falls Building association, and his services have been sought, for similar work, elsewhere. He has also for many years represented financial and real estate interests for non-resident clients.

In 1882 Mr. Barke was married to Miss Bertha Nelson, of Cambridge, Iowa; and they have five children, three sons and two daughters.

WESLEY A. SPERRY.

Wesley A. Sperry, junior member of the law firm of Wheelock & Sperry, Owatonna, is a native of Michigan, and was born in Oakland county, March 15, 1847. His parents were Harvey and Elizabeth (Winslow) Sperry.

W. A. Sperry was educated in the public schools of Michigan and Wisconsin. After coming to Minnesota, which was in 1871, he entered the law office of Lewis L. Wheelock and Amos Coggsell, of Owatonna, where he prepared for college. He subsequently entered the law department of the Michigan university, graduating from that institution with the class of 1873. He was admitted to the Minnesota bar at Owatonna in December, 1872. He began active practice January 1, 1874. November 1, 1879, he was taken into partnership with his former preceptor, Hon. Lewis L. Wheelock, under the firm name of Wheelock & Sperry, which has existed ever since. He appears in the state, United States district, circuit and supreme courts, doing a general practice. The firm is local counsel for the Chicago, Rock Island & Pacific Railroad; Owatonna Light and Heating Plant; Owatonna Manufacturing Company, and the First National Bank of Owatonna. Some of the more important cases in which they have been retained may be mentioned: D. S. Piper vs. J. A. Sawyer, which in different forms lasted seven years, and was tried four times

in the district court, three times in the supreme court and once in the United States supreme court. Was counsel for plaintiff, who was successful in every trial, except in one point; it was remanded to district court for amendment of findings. (Rept. 73, Minn. 332, 78 Minn. 221, 83 Minn. 474.) *Slingerland vs. Norton* (59 Minn. 351.)

Mr. Sperry served as county attorney of Dodge county five years, and county attorney of Steele county four years; was president of the board of education for the city of Owatonna twelve years, and state senator four years. The offices which he has held is sufficient proof of his popularity in the community in which he resides. Mr. Sperry is a member of the Methodist Episcopal church and the Royal Arcanum.

December 25, 1878, Mr. Sperry was married to Miss Julia A. Steele at East Bloomfield, New York. Their union has been blessed with two daughters, Clara Louise and Olive Elizabeth Sperry.

CHARLES GILBERT HINDS.

Charles G. Hinds, son of Henry and Mary F. (Woodworth) Hinds, was born at Shakopee, Minnesota, August 31, 1866. He received his early education in the public schools of Shakopee, supplementing this with a special course in the academic department of the University of Minnesota, from 1883 to 1885. He then attended the University of Michigan, graduating from the law department with the degree of LL. B., with the class of 1887. His certificate of admission to the bar being dated on his twenty-first birthday.

He served as county attorney for Scott county four years, from 1895 to 1899. In 1898 he was democratic candidate for congress, from the third district of Minnesota. He has served in the council and as city attorney of Shakopee for a number of years. He has served as Grand Master Workman A. O. U. W., of Minnesota, and is now attorney for the Grand Lodge.

September 25, 1888, he married Miss Maude Plumstead, of Shakopee.

CHARLES W. SCRUTCHIN.

Charles W. Scrutchin, of Bemidji, is a native of Richmond, Virginia, born September 11, 1866, son of William and Barbara Scrutchin. When two years of age he went with his parents to Atlanta, Georgia, where he remained until the age of ten. His father having died in the meantime, he went with his mother to Spokane, Washington, and while there, was educated in the high schools of that city, and subsequently at the state university of Washington.

Young Scrutchin's inclination was toward the law, and he accordingly went east to secure the best equipment possible. He entered Ann Arbor, took the complete law course and one year of post-graduate work, and graduated from the latter in 1894. Being admitted in that year, he began practice in Chicago. He was for two years, 1895 to 1897, assistant south town attorney under Hon. E. H. Morris, Chicago, eminent colored lawyer.

In 1898 he came to Bemidji, and has since built up an extensive practice. On August 27, 1900, he was married to Miss Laura Arnold, of Florence, Alabama.

Mr. Scrutchin is a republican and is identified with a number of secret organizations. He is one of the few colored lawyers who have risen to prominence, and it is a noteworthy fact that he was invited to deliver the graduating address to the class of 1900, at his Alma Mater at Ann Arbor, Michigan.

THEODORE BRUENER.

Theodore Bruener, of St. Cloud, is a native of Germany, born April 11, 1856. He came to America April 5, 1874, and located first in Illinois, then in Wisconsin. After a classical course of eight years he devoted himself exclusively to the law and studied in the office of James Hickox of Milwaukee.

He graduated from the University of Michigan in 1879, and was admitted in that year. Shortly after he removed to St. Cloud, and for two years was associated with Judge Collins, now on the supreme

bench. Since then he has practiced alone and his clientage has grown to large proportions. For four years he held the position of city clerk, three years county attorney, eight years judge of probate and four and one-half years register of the United States land office.

Mr. Bruener was married August 12, 1880, to Mary Kuntz, of Milwaukee.

CHARLES W. PYE.

Charles W. Pye, of Northfield, has been a leading attorney of that place for over twenty years. He was born at Lownmoor, England, September 10, 1846, and at the age of two and a half years came to America with his parents, who settled in Du Page county, Illinois. In 1855 he moved to Faribault, where he was educated, and about 1870 went to Northfield, where he has since resided. Until 1882 he taught school, but his inclination was toward the law, and during his term of teaching he devoted considerable time to his law books and occasionally tried a case. In 1882 he began the practice of law exclusively. He had read in the office of Batchelder & Buckham, of Faribault, and was a protege of the late Chief Justice John M. Berry. His association with these men had given him the best of preliminary legal training, and it was there that he laid the foundation of his large and successful practice. The fact that Mr. Pye has been able for so long a time to maintain a place in the front rank of his profession in the state bespeaks for him a most sincere regard, and can only reflect credit upon his ability as a lawyer.

In the prosecution of his cases he has been thorough and conscientious. His method of thinking is quick but accurate, and his insight into human nature is keen.

Mr. Pye has an extensive library and has been a constant reader. Aside from his professional duties he has been called upon to share in the burden of administration. For a number of years he was city justice of Northfield and was court commissioner of Rice county for seventeen years.



Osborne

August 28, 1868, Mr. Pye was married to Lucy A. Cook, and to them have been born four children. In 1894 Mr. Pye took into partnership his oldest son, W. W. Pye, under the firm name of C. W. & W. W. Pye, and the latter now holds the office of county attorney of Rice county.

C. A. NYE.

Carroll A. Nye, of Moorhead, is one of the recognized leaders of the Clay county bar. He is a younger brother of the late "Bill" Nye, and also of Frank M. Nye, of Minneapolis.

The family were, originally, natives of the "Pine Tree State," where his father followed the lumber industry until 1853. In that year the family moved to Wisconsin, where C. A. Nye was born in 1861. He was reared and educated in Wisconsin, studied law in the office of his brother, Frank M. Nye, for two years, and graduated from the State University of Wisconsin in 1886. He came to Moorhead the following year, where he has ever since continued the practice alone.

His clientage has grown to large proportions, a great deal of the important litigation of the northwestern part of the state having fallen into his hands. For eight years he was county attorney of Clay county, four years city attorney of Moorhead, and is the present mayor. He was also a director of the state normal school and member of the state normal school board at Moorhead for four years.

Mr. Nye was married in December, 1886, to Mary A. Gordon, of Madison, Wisconsin, and they have one son.

CHARLES A. MOREY.

Charles A. Morey, of the Winona bar, was born at Vershire, Orange county, Vermont, August 9, 1851. He came to Minnesota and located first at Lake City. His education was received at the state normal school and the Massachusetts Institute of Technology. Later he

attended the law lectures at Harvard college and upon returning to Lake City entered the law office of Brown & Stocker.

In 1876 he was made president of the state normal school, but resigned this to study law, and in 1879 was examined before the late Judge Wm. D. Mitchell, and was admitted.

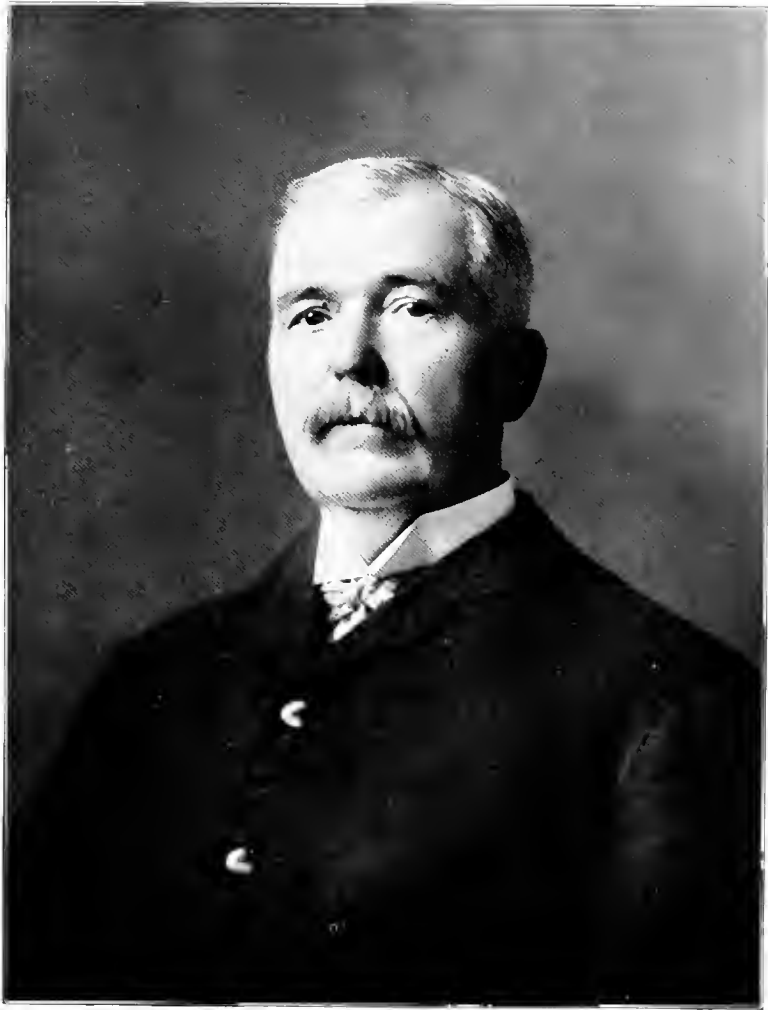
Shortly after he formed a partnership with the late Judge Chas. H. Berry, under the name of Berry & Morey, and the partnership continued until the death of Judge Berry in 1900. Mr. Morey's practice has been along the special line of commercial law and assignments in bankruptcy, and has gradually been increasing in volume and importance.

Aside from his profession, Mr. Morey has been prominently identified with the growth and development of Winona. He has been a member of the board of education, the school board and for twenty years was president of the Winona Savings bank. His politics have always been republican, and in 1877 he was made a member of the executive committee of the state central republican committee. In April, 1901, he was appointed to the state board of control, but was compelled to resign his post because of injuries sustained from an accident in falling down stairs at the state capitol while attending to his duties there.

Mr. Morey was married November 28, 1877, to Miss Kate Louise Berry, daughter of the late Judge Berry, his former partner.

THOMAS H. QUINN.

Among the self-made men in the southern part of Minnesota, who have become conspicuous in their field of endeavor, Thomas H. Quinn, of Faribault, Rice county, Minnesota, is justly entitled to a place in the front rank. He is a native son of the northwest, having been born at Berlin, Wisconsin, November 6, 1854. He came to Minnesota with his parents and eight brothers and sisters in 1865, and settled at Faribault. Thomas obtained his early education in the common schools of



Joseph Quinn



Wisconsin and Minnesota. His father was Patrick Quinn. The maiden name of his mother was Catherine Brady. They were pioneers in the settlement of the west, always keeping well to the frontier of civilization during the second quarter of the nineteenth century. They were blessed with a large family, the exigencies of which compelled Thomas to leave school when thirteen years of age to contribute to the family fund. But this did not stop his progress in education.

Although doing the hardest kind of labor during his "teens" he persistently kept at his studies nights and holidays, with endurance and fortitude which only a rugged physical constitution could have made possible. With the same energy and industry he fitted himself for his profession, and was admitted to the bar in 1877, at Faribault where he had struggled all these years of toil. He then began practice at once in the same place where he was brought up and best known. The next year he formed a partnership with G. N. Baxter, under the firm name of Baxter & Quinn. This was terminated in 1880, when he went into partnership with John B. Quinn under the style of J. B. & T. H. Quinn, which terminated in 1883, since which time Mr. Quinn has been in practice alone. His business has been a general practice, and he has met with his full share of success. Mr. Quinn, as he expresses it, was born into the democratic party, and has always affiliated with it, except in 1896 and 1900, when he was opposed to its platform and could not support its candidates. Notwithstanding the general adverse majorities in his county, he was twice elected county attorney of Rice county, serving from 1884 to 1887, and again from 1891 to 1893.

At the end of his term as county attorney in 1893 Mr. Quinn withdrew entirely from politics, since devoting his entire time and attention to the practice of law.

At the unanimous request of the city council he served as city attorney of Faribault from 1896 to 1902.

Since it is said that a "prophet is not without honor save in his own country," these are no small compliments to Mr. Quinn's ability and character. In religion he is a Roman Catholic. He was married May 15, 1893, to Elizabeth Nolan, of Richland, Rice county, Minne-

sota. They have four children, Thomas H., Beatrice, Frank and Marian E.

Mr. Quinn is attorney for the Chicago Great Western and the Chicago, Milwaukee & St. Paul railway companies, and is also president of the Commercial club of Faribault, now serving his second term.

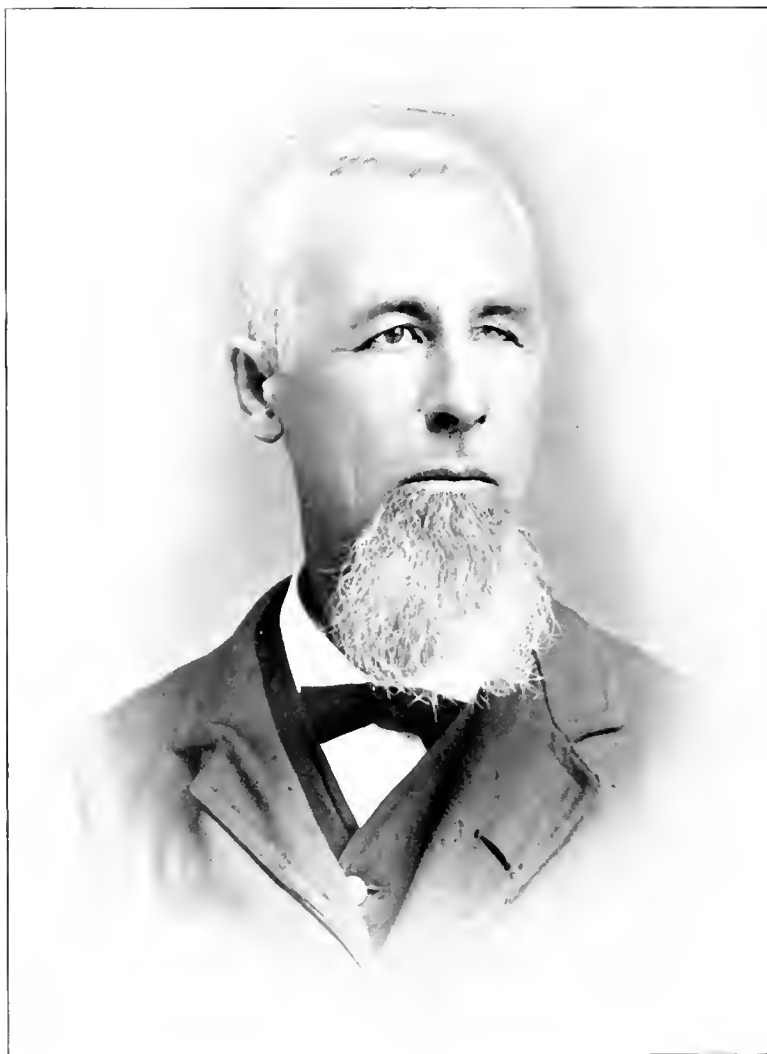
ELI SOUTHWORTH.

Eli Southworth, of Shakopee, Minnesota, is among the older members of the state bar. He is a native of Massachusetts, born at Mattapoisett, September 4, 1844, and came to Minnesota with his parents, Newton and Rhoda (Sparrow) Southworth, in 1856, at the age of twelve years. His education was obtained in the common schools of his birthplace, and Belle Plaine, Minnesota. At an early age he entered the law office of John L. MacDonald, of Shakopee, and was admitted to the bar in that town, June 18, 1874. He then formed a partnership with his preceptor, under the firm name of MacDonald & Southworth. This firm existed until about 1888, when it was dissolved, and Mr. Southworth took as a partner Mr. Julius A. Collier. That partnership was dissolved in 1896, and his son, Walter N. Southworth, became a member of the firm.

Mr. Southworth was county attorney of Scott county many years, and has also served as city attorney of Shakopee. He has been a member of the state board of law examiners since its organization in 1891, and secretary of that board since 1897. He appears in all state and United States district courts of this district in general practice.

Mr. Southworth enlisted in Company A, Fourth Minnesota Volunteer Infantry, on September 22, 1861, but owing to disability, he received an honorable discharge October 26, 1862, after thirteen months' service.

April 24, 1867, he was married at Belle Plaine, Minnesota, to Senora E. Walter, to whom four children were born: Newton W., born in 1868, died in 1869; Mabel C., born 1870, died 1878; Walter N., born in 1873; Virginia A., born in 1890.



James E. Child

Mr. Southworth is a member of the Ancient Order United Workmen, and Modern Woodmen of America.

FRANK A. LINDBERGH.

Frank A. Lindbergh, present county attorney of Morrison county, is a native of Minnesota, born at Melrose, April 14, 1870, son of August and Louise (Caulin) Lindbergh.

He is a graduate of the Melrose high school and later he attended the state normal school at Valparaiso, Indiana, for a year. In 1889 he went to Little Falls, and became associated with his brother, Chas. A. Lindbergh, and subsequently attended Ann Arbor and graduated with the class of 1892. He had been admitted, however, at Elk River in 1891. His first partnership was with his brother, under the name of Lindbergh & Lindbergh, and later A. P. Blanchard was taken into the firm, making the style Lindbergh, Blanchard & Lindbergh.

In 1899 he withdrew from the firm, and in November, 1900, was elected county attorney, and was re-elected in 1902. He was married December 27, 1897, to Mamie Buckman. They have one boy.

JAMES E. CHILD.

James E. Child, of Waseca, was born in De Kalb, St. Lawrence county, New York, December 19, 1833. His father, Zabina Child, was a carpenter and joiner by trade and also operated a farm. In 1834 the family moved to Medina county, Ohio, but soon afterwards returned to the old home and remained there until 1844, when they again moved west; this time to Dodge county, Wisconsin, where they were among the early settlers of that region.

When Mr. Child was twenty-two years old he was offered the management of a large farm in Waseca county, and went there to take charge. Soon after, however, he took advantage of the homestead law and secured a farm of his own. In the meantime he had so

advanced his education that prior to 1863 he was able to seek and obtain admission to the bar, and in 1863 he moved to Wilton and began practice. Shortly afterwards he was appointed a deputy United States marshal. In 1863 Mr. Child also began journalistic work in the capacity of editor and publisher of the Waseca News. Later he held the same positions with the Waseca Radical, and in 1885 he purchased the Waseca Herald and has since conducted that journal as well as engaged in the practice of law.

Mr. Child has served Minnesota long and well in legislative capacity. As early as 1860 he was sent to the lower house of the state legislature; in 1872 was advanced to the state senate; in 1874 was again a member of the assembly; and in 1883 he represented Martin and Jackson counties in the same capacity.

In 1886 the prohibition party named him for its candidate for governor.

April 19, 1856, Mr. Child was married to Justina Krassin, to whom have been born: Walter, Annie, Orilla, Dora M., George E., and Marcia.

Mr. Child is recognized as a citizen who has been largely instrumental in the development and prosperity of Minnesota.

GEORGE HENRY WYMAN.

George Henry Wyman, of Anoka, Minnesota, was born at Chester, Maine, August 24, 1852, son of James W. Wyman and Elizabeth Adams Wyman.

He was educated at the Maine Central institute and Bates college, and studied law with Brown & Simpson, of Bangor, Maine, and Le-broke & Parsons, of Foxcroft, Maine, at which place he was admitted to the bar.

Mr. Wyman came to Minnesota in 1883 and is now a member of the firm of Wyman & Blanchard, of Anoka.

He appears in all state and United States courts and is engaged in general practice.



G. H. Wyman.

THE
NEW YORK
PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION
1908



M. A. Jones

He has been court commissioner; city attorney for Anoka six years; three terms county attorney, and has served upon the local school board, library board, etc.

Some of the cases in which Mr. Wyman has been counsel may be mentioned: State of Minnesota vs. Elmer Miller and James Hardy, for the murder of the Wise family; State of Minnesota vs. John Hesli for the murder of Theodore Turgeon; State of Minnesota vs. John Colwell; State of Minnesota ex rel. Henry W. Childs, attorney general, plaintiff, vs. Charles E. Bondy et al., commissioner, and the City of Anoka, defendants; Charles Johnson vs. the Anoka Water Works, Electric Light & Power Co., et al.; George W. Merrill vs. John Tierney; Prescott J. Woodbury vs. The City of Anoka.

Mr. Wyman has had an extensive practice and has been very successful in the trial cases. He possesses the qualifications that make the successful trial lawyer. This is evinced by the fact that he secured the acquittal of Miller and Hardy in one of the most sensational murder cases known to the country, and in the face of an almost overwhelming public sentiment against the accused. Mr. Wyman, with Mr. F. P. Lane, conducted the defense, and their success was a matter of public comment throughout the country.

Mr. Wyman is a member of the Baptist church, and of the societies of Knights of Pythias, Royal Arcanum and Modern Woodmen of America.

June 30, 1886, he was married, at Anoka, to Orie Storms.

MARSHALL A. SPOONER.

Judge Marshall A. Spooner was born at Lawrenceburg, Indiana, May 18, 1858, and resided in his native city until he reached the age of twenty-two years, when he left home to take up his residence in the Northwest. He received his education at Hughes college, Cincinnati, Ohio, from which institution he graduated June 23, 1876, taking part of the honors of his class. He was then eighteen years of age, and immediately took up the study of law, afterwards attending

the Cincinnati Law School. While pursuing his law course, he taught one term at Spring Lake Seminary.

When only three weeks over twenty years of age, on June 4, 1878, young Spooner was taken into partnership by Addison Williams, counselor at law, and at the time circuit prosecutor and city attorney, who had taken a great fancy to the young collegian, and looked for him to attain eminence in his profession. Ill health soon after necessitated the retirement from active duties of Mr. Williams, who, having faith in the tact and capacity of his junior associate, entrusted to his charge legal matters of importance. The young lawyer entered upon his new duties with zest and, taking up the cases of his senior, prosecuted them; tried several cases before the criminal court and secured the conviction of and state's prison sentences for five malefactors; and this before he was twenty-one, when most embryo attorneys are still at their law studies.

Mr. Williams died in December, 1878, and his law business was continued by Mr. Spooner, who was admitted to the bar on motion of Congressman Holman (the great objector), at the suggestion of the presiding judge, May 17, 1879.

In the spring of 1882 Judge Spooner removed to Moorhead, Minnesota, where he shortly afterwards formed a law partnership with Edward E. Webster. Mr. Webster left Moorhead in the spring of the following year to take charge of the business of Mr. Kindred, and Frank D. Larrabee became a partner under the firm name of Spooner & Larrabee, which partnership continued until the spring of 1885, when Mr. Spooner removed to Minneapolis to continue the practice of his profession. While located in Minneapolis Judge Spooner had associated with him at various times able attorneys, the firm styles being Spooner & Taylor; Spooner & Flaherty (the latter now district judge); Spooner & Layborne, and Spooner & Hutchinson.

During the period of his residence in Minneapolis, the Judge's practice was largely outside the city, as chief counsel or advisor and on appeals to higher courts for cases of outside attorneys. In October,

1895, he appeared before the supreme court of the United States in the famous North Dakota prohibition case. His practice at this time was of a general character, he having cases before the federal, state supreme and the trial courts of Minnesota, the Dakotas and Wisconsin.

A glance through the Minnesota Reports shows Judge Spooner as a practitioner in many cases; and his record as a successful pleader at the bar is known to the attorneys of the state at large.

Judge Spooner came to Bemidji in April, 1903, and formed a partnership with L. H. Bailey, which continued until he was appointed to the bench March 24, 1903. He now presides as judge of the Fifteenth judicial district, which covers an area of one-fifth of the state of Minnesota, and it is safe to say that there is probably not another district in the United States in which there is such a diversified character of litigation before the court as in this district.

Since taking his seat on the bench Judge Spooner has acted twice for judges of other district courts, once for Judge Pond, of Minneapolis, and at the March term of court at Little Falls, Morrison county, for Judge Baxter, of the Seventh judicial district. At the close of court term the Morrison County Bar Association, together with the court officers, passed resolutions highly eulogistic of Judge Spooner, which attested to, among other things, "his impartiality, fairness, learning, promptness and judicial bearing, having fully sustained the best traditions of the bench."

The same resolutions would be gladly duplicated by the bar of his home city, where the Judge is regarded as a representative citizen of the highest type. His genial personality and affable manner impress all who have the honor of his acquaintance, no less than his legal attainments, and he possesses the judicial temperament in its best sense in marked degree.

Judge Spooner's parents were Samuel H. and Eliza C. Spooner, persons of recognized standing in the communities in which they have lived.

Judge Spooner was married to Frances L. Hannan January 5, 1901. He is a trustee of the First Presbyterian church, Bemidji, and is a Mason, Elk, Knight of Pythias and Modern Woodman of America.

A. B. JACKSON.

A. B. Jackson, of Minneapolis, was born at Brooklyn, New York, in 1850. After graduating at Hobart college with the class of 1870, he read law for a time under the direction of Roscoe Conkling, and afterwards graduated at Columbia law school. He was admitted to the bar in New York city, and began practice there. His advancement in the profession was rapid, and in 1878 Mr. Jackson was appointed special counsel for the bondholders' committee of the Kansas Pacific railroad, which was then in process of foreclosure. His time for a year was fully occupied in the litigation incident to the foreclosure proceedings. After his duties in connection with this important work had been fulfilled he concluded to locate permanently in the West. In 1880, therefore, Mr. Jackson moved to Minneapolis, where he has since been in continuous practice and has built up a large and lucrative business. He has been intrusted with many important cases, one of the hardest contested of which was the suit of the Columbia Mill company vs. the National Bank of Commerce, to recover \$10,000 paid by the bank to Leo Heilpern on checks indorsed by Heilpern with the mill company's stamp and his own signature. The case was tried four times, went to the supreme court twice, and Mr. Jackson was successful in winning the case for his clients. Another very important suit was one which Mr. Jackson brought for the Columbia Mill company against the E. P. Allis company of Milwaukee for breach of warranty on milling machinery supplied by the latter company. This case went to the United States circuit court of appeals, and Mr. Jackson recovered \$25,000 damages for his clients. He was also successful for the Shevlin-Carpenter company, in a suit brought by the State of Minnesota to recover alleged values for pine logs alleged to have been cut upon public lands. When the city of Minneapolis attempted to compel, by arbitration, the Minneapolis Gas Light company to reduce the price of gas to \$1 per thousand feet, Mr. Jackson succeeded in behalf of his clients in having the price placed at \$1.30. In the case of the St. Paul & Duluth Railroad company vs. Paul Black-



A. B. JACKSON,
Minneapolis, Minn.

THE
NEW YORK
PUBLIC LIBRARY

Astor, Lenox and Tilden

1908

mar, trustee for Bliss & Elliott, involving the construction of a stumpage contract and a conflict of jurisdiction between the courts of Hennepin and Carlton counties, the supreme court sustained Mr. Jackson by a writ of prohibition forbidding the Hennepin county court from interfering in the suit. In this case Mr. Jackson recovered between \$60,000 and \$70,000 for his clients. In all branches of his profession Mr. Jackson ranks among the leading lawyers of the state.

PETER V. COPPERNOLL.

Peter V. Coppernoll, of Wadena, Minnesota, was born in Onondaga county, New York, February 27, 1844, son of Peter and Roda (Strong) Coppernoll. At eleven years of age he went to Iowa, where he received his education. He graduated from the normal school at Iowa City, and later devoted himself to the study of law. In 1882 Mr. Coppernoll moved to South Dakota and was there, the same year, admitted to the bar. He practiced in South Dakota a year, and then took up permanent residence at Wadena, which place has since been his home and where he has taken a prominent part in local affairs. Mr. Coppernoll is the present county attorney. In 1894 his friends placed him in nomination for district judge, but he was defeated by Judge Holland, who was elected by the narrow margin of eighteen votes. He has always been republican in politics, but has never been a partisan. Mr. Coppernoll not only stands well as a member of the bar of the state, but is ranked as one of Wadena's most useful and influential citizens.

CHAPTER IX.

THE "MERGER" CASES.

Up to the present time the most noted and the most important cases brought to trial and determination in all the judicial history of Minnesota have been what are commonly called the railroad "merger" cases. The magnitude of the interests involved, the importance of the legal principles sought to be established, and the speculative effects of the decisions rendered have attracted general attention and earnest interest, not only among lawyers but among all classes of the American people. The "merger cases" have furnished themes for countless newspaper discussions and other public comment, and have even been the subject for declarations in political party platforms.

The history of these cases is as follows:

THE PEARSALL CASE.

Practically the first merger case involving the Great Northern and Northern Pacific was that commonly known as the Pearsall case. In 1856 the legislature of Minnesota territory incorporated the "Minneapolis & St. Cloud Railroad company, with authority to construct a railroad on an indicated route." One of the provisions of the charter allowed the company to connect its road by branches with any other road in the territory, or to become part owner or lessee of any railroad in said territory; and, also, "to connect with any railroad running in the same direction with this road, and where there may be any portion of another road which may be used by this company." By a subsequent act of the state legislature, in 1865, the company was authorized "to connect with, or adopt as its own, any other railroad running in the same general direction with either of its main lines, or any branch roads, and which said corporation is authorized to construct." It was further authorized "to consolidate the whole or any portion of its capital stock with the capital stock or any portion thereof of any other road having the same general direction or location, or to become merged therein by way of substitution;" and, further, it was empowered to consolidate

any portion of its road and property with the franchise of any other railroad company, or any portion thereof, and to consolidate the whole or any portion of its main line or branches "with the rights, powers, franchises, grants, and effects" of any other railroad. These several rights, privileges, and franchises were duly accepted by the railway company, and its road was constructed and put in operation between St. Paul and points on the Red River of the North.

But in 1874 the Minnesota legislature, under the influence of the then prevailing "anti-monopoly" public sentiment, passed what was known as the anti-consolidation act, the chief provision of which was the following:

"Section 1. No railroad corporation, or the lessees, purchaser or managers of any railroad corporation, shall consolidate the stock, property or franchise of such corporation with, or lease or purchase the works or franchise of, or in any way control any other railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line, and the question whether railroads are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury, as in other civil cases." (Chap. 29, Laws of 1874.)

Also, in 1881, the legislature enacted a statute (Laws of 1881, chap. 84) authorizing and empowering any railroad corporation, domestic or foreign, to consolidate its stock and franchises with, or lease or purchase, or in any way become owner of or control the stock of any other railroad corporation, when their respective railroads can be connected and operated together so as to constitute a continuous main line with or without branches. But the same statute reiterated the prohibition against the consolidation of railroads having parallel and competing lines.*

In 1889 the Minneapolis & St. Cloud changed its name to the Great Northern Railway company and extended its road towards the Pacific coast. In 1895 the Northern Pacific railroad was about to be reorganized, and the parties interested proposed that the Great Northern company should guarantee, for the benefit of the holders of the bonds to be issued by the reorganized company, the payment of the principal

*By a subsequent amendment of this statute (Laws 1899, Chap. 229) the same prohibition was again enacted in almost the identical language of the act of 1874, above quoted.

of and the interest upon these bonds. As a consideration for such guaranty, and as a compensation for the risk to the stockholders, it was proposed that the reorganized company should transfer to the shareholders of the Great Northern company, or to a trustee for their use, one-half of the capital stock of the reorganized company. It was further proposed that the Northern Pacific should join with the Great Northern in providing facilities for an interchange of cars and traffic between their respective lines, and should interchange traffic with the Great Northern and operate its trains to that end upon reasonable, fair, and lawful terms, under joint tariffs or otherwise, the Great Northern having a right to bill its traffic, passengers and freight from points on its own line to points on the Northern Pacific not reached by the Great Northern, with the further right to use the terminal facilities of the Northern Pacific jointly with that company.

In the summer of 1895 a stockholder of the Great Northern, Thos. W. Pearsall, filed in the U. S. circuit court of Minnesota a bill for an injunction restraining the proposed transfer of N. P. stock, because, as he said, it would be in violation of Chap. 20, Laws of Minnesota, 1874, prohibiting the consolidation of parallel lines of railway and the leasing or purchasing of the stock, franchises, etc., of one parallel railroad by another, and alleging that if this particular combination should be carried out his stock—500 shares, of the then value of \$62,500—would be depreciated more than \$5,000.

The case was heard by Judge Sanborn, at St. Paul, and his decision was rendered September 15, 1895. A. H. Young and Henry J. Horn appeared for the complainant, Pearsall, and the railroads were represented by Marcus D. Grover, Davis, Kellogg & Severance, and Edward P. Sanborn. Hon. C. K. Davis (then U. S. senator) made a most learned and able argument, which was characterized by many who heard it as the supreme effort in the distinguished career of that learned and accomplished lawyer.

Judge Sanborn decided in favor of the railroads, denying Pearsall's application for an injunction to prevent their combination and consolidation. The principal grounds of his decision, as appears from his printed opinion (see 73 Fed Rep., 933), were that the territorial charter of the Minneapolis & St. Cloud Railroad company (which had become the Great Northern) gave to that company the right "to consolidate its stock, its railroads, or its property with the stock, the railroads, or the property of any other railroad corporation," and that this was a vested

right and that the laws of Minnesota prohibiting such consolidation were ineffective, because they violated the constitutional provision regarding the obligation of contracts, and also violated the contract made by the territory in the charter that the state would never make an amendment destroying or impairing the "vested rights" of this corporation.

Pearsall appealed from Judge Sanborn's decision to the United States supreme court. The case was submitted December 16 following, and March 30, 1896—Justices Field and Brewer dissenting—the court reversed Judge Sanborn's decision and remanded the case for further proceedings in accordance with the opinion. When the case was before the court the appellant, Pearsall, was represented by Henry J. Horn, of St. Paul; Attorney General Henry W. Childs appeared for the State of Minnesota, and M. D. Grover and Davis, Kellogg & Severance represented the railroad, appellee. The railroad's attorney stood mainly upon the old charter to the Minneapolis & St. Cloud company, contending that it gave vested rights, with all of their sanctity and inviolability, and that the right of consolidation was clear, and, moreover, salutary for the interests of the general public.

Justice Brown (of Michigan), who wrote the opinion of the court, denied the claim that any vested rights were involved, and decided the case upon the question whether the right given by its charter to the Minneapolis & St. Cloud railroad to connect with any other railroad running in the same general direction and, by a subsequent amendatory act, to consolidate its capital stock, or its property, road, or franchise with those of any other railroad, could be taken away by a subsequent act (such as the acts of 1874 and 1881) inhibiting the consolidation, lease, or purchase by any railroad of the stock, property, or franchise of any parallel or competing line. (See 161 U. S., p. 646.)

But the learned judge clearly intimated that if the consolidation had been effected before the act of 1874 was passed, then it could not be disturbed, because in that event there would be an infringement of the provision of the constitution prohibiting state legislation impairing the obligation of contracts and the doctrine of vested rights would apply in all its force. The decision, in some respects, is authority on vested rights, for that subject is elaborately treated and discussed. Of course, the time-honored, oft-quoted and old reliable Dartmouth college case is extensively referred to. No case on record is ever more frequently discussed, or more often cited as a precedent and its principles made to

extend over a larger field and a greater variety of subjects, than this now venerable American *cause celebre*.

In Judge Brown's opinion in the Pearsall case the principle is laid down that where by a railway charter a general power is given to consolidate with, purchase, lease, or acquire the stock of other roads, which power has remained unexecuted, it is within the competency of the legislature to declare, by subsequent acts, that this power shall not extend to the purchase, lease, or consolidation with parallel or competing lines. Such a charter as was given the old Minneapolis & St. Cloud railroad may be treated as a license. It is within the control of the legislature and may be revoked if a possible exercise of such power is found to conflict with the interests of the public.

As to the effect of the combination or consolidation of these two great transcontinental railway systems upon the general welfare, and as to the principle involved, Judge Brown says:

"There are thought to be other dangers to the moral sense of the community incident to such great aggregations of wealth which, though indirect, are even more insidious in their influence, and have awakened feelings of hostility which have not failed to find expression in legislative acts. The consolidation of these two great corporations will unavoidably result in giving to the defendant a monopoly of all traffic in the northern half of the State of Minnesota, as well as of all transcontinental traffic north of the line of the Union Pacific, against which public regulations will be but a feeble protection. The acts of the Minnesota legislature of 1874 and 1881 undoubtedly reflected the general sentiment of the public—that their best security is in competition. In conclusion," says the learned judge:

"We hold that where, by a railway charter, a general power is given to consolidate with, purchase, lease, or acquire the stock of other roads, which has remained unexecuted, it is within the competency of the legislature to declare by subsequent acts that this power shall not extend to the purchase, lease, or consolidation with parallel or competing lines."

The decision in the Pearsall case dissolved the consolidation of the two railroads, and each road resumed its former condition as an independent corporation. They were so operated for a number of years, and at times competition between them was most marked. But in 1901 a plan was conceived for their practical merging and consolidation so

that, as was thought by the originators, all the benefits of such a combination might be derived without the violation of law.

THE NORTHERN SECURITIES COMPANY.

November 13, 1901, the State of New Jersey incorporated an association of certain persons under the corporate name of the Northern Securities company. These persons, about ten in number, were stockholders of the Great Northern and the Northern Pacific railroads, and included James J. Hill, Wm. P. Clough and J. Pierpont Morgan. In the main, the plan for the organization of the company had been under contemplation for some years. That the corporation was legally constituted under the laws of New Jersey, authorizing the organization of corporations for any lawful purpose, has never been disputed.

The declared objects for which the corporation was formed, as expressed in its charter, were:

(1) To acquire by purchase, subscription or otherwise, and to hold as investment, any bonds or other securities or evidences of indebtedness, or any shares of capital stock created or issued by any other corporation or corporations, association or associations, of the State of New Jersey, or of any other state, territory or country.

(2) To purchase, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of, any bonds or other securities or evidences of indebtedness created or issued by any other corporation or corporations, association or associations, of the State of New Jersey, or of any other state, territory or country, and, while owner thereof, to exercise all the rights, powers and privileges of ownership.

(3) To purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of shares of the capital stock of any other corporation or corporations, association or associations, of the State of New Jersey, or of any other state, territory or country; and, while owner of such stock, to exercise all the rights, powers and privileges of ownership, including the right to vote thereon.

(4) To aid in any manner any corporation or association of which any bonds, or other securities or evidences of indebtedness or stock are held by the corporation; and to do any acts or things designed to protect, preserve, improve or enhance the value of any such bonds or other securities or evidences of indebtedness or stock.

(5) To acquire, own and hold such real and personal property as may be necessary or convenient for the transaction of its business.

The business or purpose of the corporation is from time to time to do any one or more of the acts and things herein set forth.

The corporation shall have power to conduct its business in other states and in foreign countries, and to have one or more offices out of this state, and to hold, purchase, mortgage and convey real and personal property out of this state.

The words "railroad" or "railway" nowhere appear in the charter. The capital stock of the company was fixed at \$400,000,000, divided into four million shares of \$100 each. The amount of the capital stock with which the corporation commenced business was \$30,000. The office of the company was established at Hoboken, New Jersey.

Upon the organization of the Northern Securities company, James J. Hill and his ten associates, who had promoted the organization of the company, transferred to it the thirty million shares of Great Northern stock which they then owned, at 180, and about thirty-five million shares of Northern Pacific stock at 115; that is to say, the basis of the exchange and transfer was one share of the capital stock of the Great Northern for one and eighty-hundredths shares of the capital stock of the Northern Securities, and one share of the common stock of the Northern Pacific for one and fifteen hundredths shares of the Northern Securities. J. P. Morgan & Company transferred about seven million shares of Northern Pacific common, making the holdings of the Northern Securities interest a majority of the 80,000,000 of the common stock of the Northern Pacific. Provisions were also made for retiring \$75,000,000 of the preferred stock of the Northern Pacific by the issue by the latter company of four per cent bonds, etc.

The Harriman, or Union Pacific, interest attempted to secure control of the Northern Pacific stock, and the result was an unprecedented boom in that stock, which advanced to \$1,000 per \$100 share. Finally J. P. Morgan & Company negotiated with Mr. Harriman for the purchase of the Northern Pacific shares held in the Union Pacific interest to the amount of 78,000,000, of which 37,000,000 were common and 41,000,000 preferred stock. Mr. Harriman received for his holdings a lump sum of about \$91,000,000, of which \$9,000,000 was in cash and the balance was in stock of the Northern Securities company at par.

November 22 the Northern Securities company issued a circular to the Great Northern shareholders offering to buy their shares at 180 in the capital stock of the Northern Securities company at par. The

shareholders were notified in the circular that litigation against the Northern Securities company was threatened, and notice of that fact was stamped on their blank applications for transfer. From time to time about 1,200 Great Northern shareholders transferred their stocks according to the terms of the circular, and in the aggregate about \$65,000,000 in Great Northern shares were transferred to the Northern Securities company by the 1,200 shareholders—the total number of Great Northern holders being about 1,800. No circular was issued to the Northern Pacific shareholders, but many of them transferred their shares, some of them receiving cash and others receiving Northern Securities stock. At the date of the commencement of legal proceedings against the Northern Securities company that corporation held about \$153,000,000 out of \$155,000,000 of the total stock issue of the Northern Pacific and \$93,000,000 out of the \$124,000,000 of the stock of the Great Northern.

Public sentiment was fairly aroused at the new condition. There was a general and vehement demand that the consolidation of the railroads named, "the merger," be at once destroyed. The people of Minnesota were especially insistent, and their governor, Hon. S. R. Van Sant, was the first executive in the Northwest to take decided and practical action. Under his direction the state's attorney general, Hon. Wallace B. Douglas, began the preparation of a suit against the merger.

THE STATE AGAINST THE NORTHERN SECURITIES COMPANY IN THE UNITED STATES SUPREME COURT.

Less than two months after the incorporation of the Northern Securities company and its acquisition of the stocks of the Great Northern and Northern Pacific, on January 7, 1902, Attorney General Douglas appeared in the supreme court of the United States, and, in a case entitled "State of Minnesota vs. Northern Securities company," asked leave to file a bill of complaint against the Northern Securities company, "a corporation of the State of New Jersey." The court directed that notice of the application be given the defendant and set January 27 as the date for hearing the argument on the motion. The suit was commenced in the supreme court under the constitutional provision giving that tribunal original jurisdiction in cases where a state is a party, etc.

On the day set for hearing the argument Attorney General Douglas and M. D. Munn appeared for Minnesota and Geo. P. Wilson, a former state's attorney general, was on their brief. For the Securities company appeared Wm. D. Guthrie and John W. Griggs, a former attorney general of the United States, and John W. Johnson was on their brief. The state's bill was an elaborate complaint against the Securities company because of its action in acquiring the Northern Pacific and the Great Northern railways, and virtually consolidating them, in violation of the laws of Minnesota prohibiting the consolidation of parallel lines, etc., and asking for the dissolution of "the merger," the Securities company, for certain injunctions, and other relief. After elaborate and most able arguments by the learned counsel for both parties, a discussion which attracted national attention and widespread comment, the court took the case under advisement, and in due course rendered its decision denying leave to the state to file its bill and bring its action in the supreme court (184 U. S., p. 199).

The main ground set forth by the decision, which was delivered by Judge Shiras, was that all the parties in interest in the case were not before the court and had not been made parties. Upon this point the decision reads:

"The court is put upon inquiry whether the parties and persons to be affected by such injunction are before it. The narrative of the bill unquestionably discloses that the parties to be affected by a decision of the controversy are, directly, the State of Minnesota, the Great Northern Railway company, the Northern Pacific Railway company, corporations of that state, and the Northern Securities company, a corporation of the State of New Jersey, and indirectly [the parties to be affected are] the stockholders and bondholders of those corporations and of the numerous railway companies whose lines are alleged to be owned, managed, or controlled by the Great Northern and Northern Pacific Railway companies."

Then the opinion asks: "Can such a controversy be determined, with due regard to the interests of all concerned, by a suit solely between the State of Minnesota and the Northern Securities company?" This question the opinion answers in the negative, asserting that it was necessary that both the railroad companies named should be represented, saying that the minority of the stockholders of the companies should also have a hearing. The opinion continues: "Not only have the stockholders, be they few or many, a right to be heard, * * *

but the general interests of the public, which might be deeply affected by the decree of the court, are entitled to be heard, and that * * * can only be effected by the presence of the railroad companies as parties defendant."

But as the railroad companies were citizens of Minnesota, the supreme court would not have jurisdiction over the case against them, and so the state's motion for leave to file its bill came to naught. Says the opinion and order:

"As, then, the Great Northern and Northern Pacific Railway companies are indispensable parties without whose presence the court, acting as a court of equity, cannot proceed, and as our constitutional jurisdiction would not extend to the case if those companies were made parties defendant, the motion for leave to file the proposed bill must be and is denied."

It is a singular fact that the point upon which the decision was rendered—namely, that the railroad companies should have been made parties—was not raised in the discussion of the case! Indeed, Attorney Griggs, for the Securities company, in answer to a question by the court, said he did not think it necessary that the Great Northern railway should have been made a party.

THE STATE AGAINST THE NORTHERN SECURITIES COMPANY IN THE UNITED STATES CIRCUIT COURT.

Soon after the decision of the United States supreme court, refusing to hear the case of the state against the Securities company because the Great Northern and Northern Pacific had not been made parties to the action, Attorney General Douglas, in behalf of the State of Minnesota, began another suit against "the merger," this time joining the railroad companies as defendants. This case was begun in the district court of Ramsey county, and the bill of complaint was filed April 4, 1902. The bill alleged that what the defendants had done was not only in violation of the laws of the state but also violated the "Sherman act" of congress, and judgment was asked accordingly. The defendants claimed that these allegations raised a federal question—that the state sought a judgment under an act of congress—and upon their motion Judge Otis removed the case to the federal circuit court.

It was stipulated by the parties, upon the removal, that when the case should be called in the federal court the state should not move to

remand, provided the defendants would appear and answer; and that in the event the case should be remanded the defendants might withdraw their appearance, and the case should stand as when removed—all evidence introduced and proceedings had going for naught.

October 2, 1902, Judge Lochren appointed F. G. Ingersoll, of St. Paul, special examiner to take testimony in the case. An arrangement had been made that the oral testimony in the case should be reduced to printing and in that form submitted to the court. Examiner Ingersoll held repeated and protracted sessions in St. Paul and New York city, and many witnesses, including J. J. Hill, J. P. Morgan, Col. W. P. Clough, and others prominently connected with the railroads and the Securities company, were examined.

The cause came on for final hearing June 5, 1903, and was most ably argued by the eminent counsel for each side. The final argument lasted five days. Attorney General Douglas, former Attorney General Geo. P. Wilson and M. D. Munn spoke for the state, and George B. Young, M. D. Grover and Chas. W. Bunn argued for the defendants. The case was finally submitted June 10.

As stated in the brief submitted by its attorneys, the principal contentions of the state were: (1) The lines of the Great Northern and Northern Pacific Railway companies are both parallel and competing throughout nearly all the territory traversed by them within the State of Minnesota. (2) The Northern Securities company was organized solely for the purpose of consolidating and unifying the control of the Great Northern and Northern Pacific and as a means of evading the laws of the State of Minnesota prohibiting such consolidation. The Securities company and the railroads denied these propositions.

THE FEDERAL GOVERNMENT'S CASE AGAINST THE MERGER.

Meanwhile the federal authorities had moved against the merger combination. March 10, 1902, Hon. Milton D. Purdy, United States district attorney for Minnesota, acting under the direction of United States Attorney General Philander C. Knox, brought a proceeding against the Northern Securities and the Great Northern and Northern Pacific Railroad companies, and J. J. Hill, W. P. Clough, D. Willis James, John S. Kennedy, J. Pierpont Morgan, Robert Bacon, Geo. F. Baker and Daniel S. Lamont, and filed its petition in the circuit court of the United States for the district of Minnesota on the date named.

By a special act of congress the judges of the court of appeals for the Eighth circuit were authorized as a court of original jurisdiction to hear the case. The court—composed of Hons. Henry Clay Caldwell, of Arkansas; Amos Thayer, of Missouri, and Walter H. Sanborn, of Minnesota—appointed Fred G. Ingersoll to take testimony in the case, and as this proceeding involved much time and delay, the case did not come on for argument until a year after it was commenced.

The government charged the defendants with a violation of what is commonly called "the Sherman act," or the act of congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies." In general terms the defendants were charged with conspiracy and other unlawful acts in restraint of interstate trade and commerce, the acts complained of being the organization of the Northern Securities company, its purchase of the stock of the Great Northern and Northern Pacific, its attempt to monopolize trade and commerce among the several states, etc.

The case was argued before the three judges of the circuit court of appeals, sitting as a United States circuit court, at St. Louis in March, 1903, the proceedings being concluded March 30. In nine days thereafter, or on April 9, a remarkably short time in which such an important case should be examined and determined, the court, Judge Thayer delivering the opinion, announced its decision.

The decision was for the government on every vital point. The Northern Securities company was declared to be an illegal corporation and all its acts in the purchase of the stocks of the railroads, etc., were declared to have been illegal and void. An injunction was allowed against the company, preventing its proceeding further in its railroad operations, also enjoining the railroads from recognizing the Northern Securities company as the owner or holder of their capital stock, etc.

The railroads and Securities company appealed from this decision to the United States supreme court, and in March, 1904, that court sustained the circuit court decision, but by a bare majority of one of the judges sitting in the case. Justice Harlan wrote the opinion of the court. The effect of the decision was that the Northern Securities company was dissolved.

It must be borne in mind that the case of the federal government against "the merger" was brought upon the sole question of whether or not an act of Congress, the Sherman, or anti-trust act, had been violated. The case of the State of Minnesota against the merger was

brought under state laws and the Sherman act. The two cases were separate and distinct.

JUDGE LOCHREN'S DECISION IN FAVOR OF THE MERGER.

On the 1st of August, 1903, Judge Lochren filed his decision in the case of the state against the Northern Securities and the two railway companies. The decision was conclusively and completely in favor of the companies and against the state. In the learned judge's opinion, as he announced it, the Northern Securities company had not violated the state law prohibiting combinations in restraint of trade, nor the act prohibiting the consolidation of parallel and competing railroads, for the reason that this corporation was not and is not, in Judge Lochren's opinion, a railroad company. In his view, the Northern Securities is but an investment company, with no control over the operation of the roads whose stock it holds, and has never sought to control or interfere with either railroad affected in respect to operation or management.

The "merger" was held guiltless of any attempt or act in direct restraint of trade. The stock holdings of the corporation, it was decided, can have nothing to do directly or indirectly with trade commerce or transportation or rates.

The contention that because it was to the pecuniary interest of the incorporators of the merger to consolidate the Great Northern and Northern Pacific systems, such consolidation was actually made, was rejected on the ground that an act to advance pecuniary interest cannot be held to imply intent to commit a penal offense.

The decision flatly controverted the contentions of counsel for the state that the merger could in any sense be considered a railroad company because it owned a majority in the stock of both. It held the stock as an investment and never attempted to control the operation of either system.

The claim of state's counsel that the acquisition of a majority of the stock of any railroad was, in fact, a purchase of that road was controverted in the decision.

The judge frankly confessed that he could not concur in the view of the case taken by Judges Thayer, Sanborn and Caldwell in the suit brought by the federal government against the same corporation.

One of the contentions of the state was that the purchase, or attempted purchase, of the stocks of the railroad companies by the Securities company constituted a flagrant violation of the state's anti-

trust law, enacted by the legislature of 1899, the first section of which is as follows:

"Section 1. Any contract, agreement, arrangement or conspiracy, or any combination in the form of a trust or otherwise, hereafter entered into which is in restraint of trade or commerce within this state, or in restraint of trade or commerce between any of the people of this state and any of the people of any other state or country, * * * is hereby prohibited and declared to be unlawful."

Judge Lochren decided that nothing that the Securities company had done, as shown by the evidence, could directly or indirectly affect trade, commerce, transportation or rates, and that, therefore, the corporation was not affected by the state's anti-trust statute nor by the Sherman act.

The state appealed from the decision of Judge Lochren directly to the United States supreme court. The defendants made no objections in that court until the state moved to advance the case for argument; then they raised the point that the case should have been appealed to the federal circuit court of appeals. The court, however, advanced the case and ordered that the question of jurisdiction should also be argued when the merits were presented.

The case was argued orally before the court, beginning January 4, 1904. Attorney General Douglas and M. D. Munn appeared for the state, the appellant. The defendant appellees' case was presented by John G. Johnson, of Philadelphia; Geo. B. Young, M. D. Grover and Chas. W. Bunn.

Soon after the argument of the case on the merits the court called upon the counsel of both parties for briefs upon the question of the right to remove the case from the state to the federal courts—the jurisdictional question—and the briefs were so filed, each party admitting and contending that the removal was proper.

But, April 11, the United States supreme court, by a unanimous opinion, decided that the federal courts did not have jurisdiction over the case, although this right had been conceded by the attorneys of both sides. The concluding portion of the opinion, which was written by Justice Harlan, is as follows:

"We are of the opinion that the suit does not—to use the words of the act of 1875—really and substantially involve a dispute or controversy within the jurisdiction of the circuit court for the purpose of a final decree. That being the case, the circuit court, following the man-

date of the statute, should not have proceeded therein, but should have remanded the cause to the state court. The decree of the circuit court is reversed, and the case is sent back, with directions that it be remanded to the state court."

What action, if any, will now be taken in the premises remains to be seen.

CHAPTER X.

REMINISCENCES OF MINNESOTA DURING THE TERRITORIAL PERIOD.

BY THE LATE CHARLES E. FLANDRAU.

[While the following address, delivered by the late Charles E. Flandrau before the Minnesota Historical society, is not particularly pertinent to the history of the bench and bar of the state, yet its absorbing interest entitles it to preservation in as many different ways and places as possible, and is therefore given in full.—EDITOR.]

Ladies and Gentlemen: I have always supposed that the legitimate province of a historical society is to record and preserve past and current history; and, so believing, I feel as if I were perpetrating a wrong in offering to you this evening the collection of anecdotes, jokes, and frivolous sayings and doings that I have strung together in this paper. My only excuse is, that it was not originally prepared for this dignified body, but for the amusement of a much lighter audience, and that it does contain some matters relating to our early days, although of a character that can hardly be brought under the designation of history. I never made any pretense to being a historian; but much is expected of a western man, and he is never justified in declining to do anything that the emergencies of the situation demand of him. To give you an illustration of what appalling straits he is sometimes driven to: Once, in the very early dawn of civilization on our frontier, I had the hardihood to get up a thanksgiving celebration, the principal part of the programme being a sermon from a neighboring missionary. For some reason, he failed to put in an appearance, and I was compelled to do the preaching myself. As my audience was easily imposed upon in the article of sermons, I succeeded quite creditably.

PECULIAR EARLY IMMIGRANTS.

I thought at first of chatting about the early days of St. Paul, and relating some of the many anecdotes which exist about our pioneer

residents; but, on reflection, recalling what my old friend, Joe Rollette, once said, "If these old settlers ever collide with me, I'll write a book," I deemed it delicate ground to tread upon, although extremely fertile in fun and amusing incidents, as we had a most curious agglomeration of interesting characters here in the early times. I may, however, mention some without treading on any one's toes.

There was a Scotch gentleman here, whom I knew very well, who seemed to have plenty of means to gratify all his whims. He had the reputation of having once been a minister of the gospel,—what he was doing here no one seemed to know definitely,—and, as was usual in those days, no one cared very much. After living here some time he conceived the idea of going over to the Pacific country by way of British Columbia; his objective point may have been the Fraser river gold diggings, but I forget. He fitted out a party, and when in the wilds of the north country, he became frozen in, and was compelled to spend a long winter in camp; provisions soon gave out and the party were compelled to eat their pack animals for support. My friend selected a fat young mule for his especial eating, and allowed no one to share it with him. In the course of the winter he consumed the whole animal. He preserved one of its dainty hoofs, and when he got back to civilization he had it beautifully polished and a silver shoe put on it, and always at his meals he placed it by the side of his plate. People thought it was a salt cellar, or some article of table furniture, but when asked by some one what part it played in his menu, he would relate his adventure, and say that he had eaten so many awfully bad dinners out of that mule that he always kept its hoof near by to remind him of them, so that his present dinners might be improved by contrast.

He was very fond of sherry, and could not get just what he wanted here, so he sent to London and imported an immense hogshhead of the best he could purchase. He decanted it into large demijohns, and placed them all around his room. He then went to bed and never left it until we carried him out feet foremost. I did my best to avert this calamity, but my powers of absorption were too limited to get away with the sherry in time.

The original population of all this country was of course the Indians. The next people to arrive were the whites, who were either traders or soldiers, and in referring to the inhabitants they were always designated either as white men or Indians. At quite an early period an officer of the army from the South was stationed at Mackinac, or some

other northwestern post, and brought with him two black servants, George and Jack Bonga. When he was ordered away, these two men remained behind and took service in the American Fur company as voyageurs. They married into the Chippewa tribe, and George became quite a prominent trader and a man of wealth and consequence. I was his guest for two weeks at Leech lake just forty-two years ago, when I made a canoe voyage to the source of the Mississippi. He was a thorough gentleman in both feeling and deportment, and was very anxious to contribute to my pleasure during my stay with him. He loved to dwell upon the grandeur of the chief factors of the old Fur Company, and, to show me how royally they traveled, he got up an excursion on the lake, in a splendid birch bark canoe, manned by twelve men who paddled to the music of a French Canadian boat song, led by himself. George was very popular with the whites, and loved to relate to the newcomers his adventures. He was about the blackest man I ever saw, so black that his skin fairly glistened, but was, excepting his brother Jack, the only black person in the country. Never having heard of any distinction between the people but that of Indians and white men, he would frequently paralyze his hearers when reminiscing, by saying, "Gentlemen, I assure you that John Banfil and myself were the first two white men that ever came into this country."

CELEBRATION OF NEW YEAR'S DAY.

I am rather inclined to think that in the early days we had a good deal more fun than we do now, but perhaps our pleasures were not curbed with the same bit as they are at present. The early settlers brought out with them the old fashioned way of celebrating New Year's day, and when that event occurred, the whole town was alive with sport. Everybody kept open house and expected everybody else to call and see them. No vehicle that could carry a party was allowed to remain idle, and from morning until late in the night the entire male population was on the move. The principal houses were those of the Ramseys, the Gormans, the Borups, the Oakeses, the Warrens, the Coxes, the Robertsons, and the Rices. The Reverend Dr. Andrew Bell Paterson, rector of St. Paul's church, lived out where Hamm's brewery now stands. Mrs. Goodhue, widow of Minnesota's first editor, lived on the west side, about opposite the foot of Jackson street, and there were many others well worthy of mention who now escape

me. We also had Fort Snelling, with its old school army officers, famous for their courtesy and hospitality, and the delightful household of Franklin Steele, the sutler; and there was Henry H. Sibley, at Mendota, to whom the finest amenities of life were a creed: all of whom assisted on New Year's day. There was great strife among the entertainers as to who should have the most elaborate spread and the most brilliant and attractive array of young ladies to greet the guests. A register of the callers was always kept, and great was the victory of the hostess who recorded the greatest number.

My first new year's day in St. Paul was in January, 1854, forty-four years ago; it was my entree to St. Paul society. Four of us, all young frisky fellows, started out together with a good team and made one hundred and fifty calls by midnight. The party was composed of Mr. Henry L. Moss, Horace R. Bigelow, who was my old partner, Mr. Charles H. Mix, and myself. Whether we drank at every fountain that gushed for us on that day I will leave to the imagination, after saying that only the most delightful impressions of the event linger in my memory. The custom died out only a dozen years ago.

While speaking of New Year's day, I must not forget my first New Year's day among the Indians. It was in 1857. The Sioux know the day and celebrate it. How they discovered it I am unable to say, but probably they learned it from the French missionaries. They call it "Kissing day." I was the United States Agent for the Sioux, and was detained up at the Yellow Medicine river for some reason, I forget what. I was informed that it would be expected of me to give all the women who happened to be about the agency a present. So I had several barrels of gingerbread baked, and purchased many bolts of calico, which I had cut up into dress pieces, ready for delivery. About ten in the forenoon the squaws began to assemble near the agency, and I seated myself in the main room to await events. At first they were shy (I was not the grizzly old fellow then that I am now). Soon an old *wa-kon-ka* came sidling up like a crab, and gave me a kiss; then came another, and another, until, young and old, I had kissed and been kissed by forty-eight squaws. I kept an exact tally, especially of the young and pretty ones. They all got their gingerbread and dresses, and went away very happy; whether their joy rested wholly on the cakes and calico, I never was exactly satisfied in my own mind. So you see the civilized and the savage do not differ very much in their methods of amusing themselves. It is a

serious question whether modern innovations will be an improvement over the past in such matters.

EARLY SOCIAL CONDITIONS.

St. Paul from its earliest settlement was a social phenomenon. Our ideas of a frontier Mississippi river town of forty years ago, naturally suggest everything but culture, refinement and elegance; yet St. Paul possessed them all in a very marked degree. By a singularly happy combination of circumstances, differing absolutely from all other remote frontier towns that I know of, the earliest settlers, who gave the place its social tone and character, were cultivated gentlemen and ladies. Dr. Borup was a Dane; he was a fine musician; he had a charming family; he erected a spacious and, for that day, elegant mansion, and entertained profusely. I have attended musical soirees at his house, led by himself with the violin, accompanied by two grand pianos played by members of his family.

Mr. William Sitgreaves Cox, an old navy officer, was a charming gentleman, at the head of one of the most interesting, cultivated and refined families it was ever my good fortune to become acquainted with. One of his daughters, Miss Hitty, was so accomplished a musician, that it was said she never played anything but music of her own composition. Another daughter, Mrs. Pope, who presided in his household, used to entertain the friends of the family at grand dinners and *petits soupers* that would have made the habitués of Washington and Newport green with envy.

Mr. John E. Warren, and his brilliant and beautiful wife, maintained an establishment, to enjoy the privileges of which was a liberal education and a joy forever. The mere recollection of her fascinating conversation and sparkling wit is enough to make an old fellow young again. Governor Ramsey and his hospitable and beautiful wife were always a center of social eminence, as were also Colonel Robertson, Judge Emmett, and their accomplished wives. I merely mention these names as types of a great many delightful families that adorned our city in its infancy, and impressed upon it the indelible stamp of cosmopolitan excellence.

Besides these superior domestic nuclei, we had a host of single gentlemen, young and old, who would have adorned the society of any city. Of course we were not lacking in the rough and vicious

element, but it never dominated to the extent of giving color to our society.

There is one circumstance which has always impressed me with the idea that Minnesota, and especially St. Paul, the capital, was favored with an exceptionally intelligent population in its infancy; and that is, that at the very first session of the territorial legislature, in 1849, provision was made for the establishment of a historical society, an institution which one would think would be most remote from the thoughts of a border people, whose interests usually center in peltries, ores, and lumber. Yet it was accomplished, and has grown from the germ then planted into a repository of historical knowledge scarcely equalled west of the Alleghanies, which is stored away in a library of nearly sixty thousand volumes.

Most western towns spring into life from the force of especial circumstances, a rich deposit of gold, silver, or coal is discovered; extensive forests invite the lumbermen; at once a rush of people is directed to the spot and a town is built. It has no antecedents to give direction to its social, moral or intellectual character, and these elements must reflect the attributes of its first inhabitants. Mining towns generally exhibit the lowest and roughest features; gambling, drinking and lawlessness predominate. Lumber towns rarely present much refinement. While men engaged in that pursuit may be estimable and industrious citizens, you would not, except in rare instances, select them to fill the chair of esthetics in a school of sociology.

The marked difference in favor of St. Paul, in my judgment, arises from the fact that it had antecedents; that its first population was not assembled at the call of any particular enterprise, and was therefore not tagged with any special trade mark. It converged to this point largely for the reason that it was the head of navigation of the great Mississippi, thus offering a reasonable prospect of a commercial city; that it had an exceptionally salubrious climate; and that its first and principal settlers had previously occupied the country and had been educated under the elevating social influences of the great fur companies, whose officers were the most aristocratic and commanding men to be found in any country. They were most exacting in their demands of obedience, respect, and loyalty from all their subordinates; and they administered justice in return, based on a broad intelligence and tempered with generosity. Such initial influences could not fail to make themselves felt as the town progressed toward metropolitan

proportions, and they are still visible. This view of mine may be without substantial foundation, but there is one thing I know, that St. Paul possesses certain social attractions which invariably impel people who have to leave the place, with a desire to return, no matter where they go. I never knew an officer of the army, who had been stationed here that did not want to remain, and if compelled to leave did not wish to return, and such seems to be the universal sentiment. You think it over, and if you discover a better reason for the social superiority of St. Paul over the average western town, let me know what it is.

While I am speaking of the remarkable culture and refinement of St. Paul in its early days, I ought to mention that we had a number of gentlemen here who were extraordinary chess players and very early formed a chess club. Judge Palmer was at the head of it. He was a second Paul Morphy in skill at the game. He could turn his back, shut his eyes, and play three or four games at the same time without seeing either the board or the men, and generally win them. You must remember that chess is a very scientific game, and is not indulged in by cowboys or frontiersmen as a general thing.

Very soon after St. Paul began to assume city proportions, a little town down the river, by the name of Hastings, began to appear in evidence. I don't believe many of you know the origin of its name. It was called after General Henry Hastings Sibley, and the fact that he was its chief sponsor did much to attract to it some very cultivated people, including some good chess players, among whom a Maryland gentleman named Allison was the leader. As soon as acquaintance-ship was established between the two towns, a chess club was formed in Hastings, and games used to be played between the two places by mail, each move being fully discussed by the club making it, over a good champagne supper. These games sometimes lasted a whole winter, as mails were only semi-occasional. It is a rare thing to find towns situate on the very border of civilization, amusing themselves in such an esthetic manner.

PIONEER MISSIONARIES.

It may not be inappropriate on this occasion to refer to the early struggles of the Episcopal church in Minnesota. As has ever been the case in the northwest, the French Catholic missionaries were first in the field. They labored with the Indians for long years with their

accustomed fidelity and self-sacrifice, and I have no doubt did as much good as missionaries usually accomplish among savages. From their somber costume the Sioux called them *she-na-sapa* (the black blankets).

About sixty years ago, the American Board of Foreign Missions sent out Protestant missionaries of the Presbyterian faith, who selected stations at Traverse des Sioux, Lac qui Parle, Lake Winnibigoshish, and perhaps other points. They labored faithfully among the Sioux and Chippewas until the outbreak of the Sioux in 1862, which practically dispersed the Sioux and Winnebagoes and drove them out of the state. When the whites began to inhabit the state in 1846 and afterwards, of course they were accompanied by their ministers of all denominations, and they established churches in all the settlements; but the Episcopalians were the weakest of them all. The first churches of that denomination were established in St. Paul and St. Anthony in the early fifties. The one in St. Paul was known as Christ Church, and had a very small frame structure on Cedar street, exactly in the rear of the present Globe building, and on the spot where now stands the rear part of H. M. Smyth's printing house. The church boasted a steeple, but it was so ridiculously small that the irreverent dubbed the whole structure "The church of the holy toothpick."

Minnesota was then part of the diocese of Wisconsin, which was presided over by Bishop Kemper, the missionary bishop of the northwest, and one of the dearest and best old men it was ever my good fortune to meet. He used to make occasional visits into Minnesota, and perform the functions of his sacred office wherever they were needed. His services were usually held in the shanty of some settler, and the people would flock to see and hear him very much as they would have attended any unusual show. You must remember that Episcopalians were not an emigrating people, and are generally the denizens of cities, so that his vestments were a very unusual sight on the border.

The first time I heard him he preached in the unfinished kitchen of Captain's Dodd's shack in St. Peter, and his audience was squatted on the floor. I remember distinctly having put on my Sunday moccasins, all ornamented with bead and quill work, for the important occasion.

The real pioneers of the missionary work of the Episcopal church in Minnesota were Rev. James Lloyd Breck and Rev. Timothy Wilcoxson. They preceded all the others. Mr. Breck purchased five or six acres of land at the head of St. Peter street and established a mis-

sion house, which was occupied for a long time. The Park Place hotel afterward stood on this ground, and I believe the land still belongs to the Diocese of Minnesota.

Mr. Breck was a very enthusiastic man in his church work. He was young and physically capable of much endurance. It was a common thing for him to have an engagement to preach in a certain place on one day, and in another thirty or forty miles distant on the next, and he always made the journeys on foot. His pedestrian feats became well known among the old settlers. The first time I made a visit to the East, after my settlement up in the valley of the Minnesota, was in 1856 or 1857. I was driving across the twenty-mile prairie just above Fort Snelling on my way down the river, when I saw in the distance a long-legged apparition streaking it along in my direction, swinging a handbag and making apparently about eight miles an hour. In the loom of the prairie it resembled very much a large sandhill crane, which we used to encounter frequently on our journeys in those days, but when we met it turned out to be the Reverend Mr. Breck on his way to Shakopee to preach the next day. We always stopped and had a chat with all passers-by on the road. Knowing the habits of the parson as well as I did, I of course thought nothing of it.

When I got home in the east, I was invited to attend a missionary meeting in Utica by a clerical friend of mine, who wanted me to tell the people there something about the church in the northwest. I went, and the first business that came before the meeting was a collection to raise a fund to purchase a horse and buggy for Mr. Breck. The mover of the scheme spoke of his wonderful feats of pedestrianism, and insisted that he should be rewarded by being presented with better means of transportation. That was my opportunity: I told my story of how I had met him within a few days on the lonely prairie, which I extended from twenty miles to about a hundred and twenty, and how footing it across a continent was a mere pleasant recreation for him; in fact I allowed my then fruitful imagination full swing, with the satisfactory result of swelling the donation to a sum that would have easily bought him a coach and four, and I have never repented the well intended exaggeration. Mr. Breck never went on foot afterward.

The estimation in which the memory of Mr. Breck is held at the present time in the church may be measured by the fact that there prevailed a fierce controversy as to whether California or Wisconsin,

where he was earlier a pioneer missionary, should be the repository of his remains.

Doctor Van Ingen and Dr. Paterson arrived in the fifties; the former came first, and the latter about 1857. About this time the question was mooted of erecting Minnesota into a separate diocese, and it was accomplished. Then came the exciting consideration of who should be the bishop. Naturally Doctors Van Ingen and Paterson were the prominent candidates. The convention was held in St. Paul in 1859, and after many ineffectual ballots had been taken it seemed impossible to elect either of these two gentlemen. At every ballot a vote was cast for Henry B. Whipple, of Chicago. No one knew who he was, except that he was the rector of a church in that city. When it became a certainty that the vote could not be concentrated on either Van Ingen or Paterson, the friends of these candidates began to inquire about the "dark horse," and the glowing account of him given by his friend settled the matter in his favor, and he was chosen.

I have known Bishop Whipple for forty-five years. I knew him in Rome, New York, before he went to Chicago, and have loved and revered him during all those long years. It would be a waste of words for me to attempt a portrayal of his many virtues and perfect equipment for the duties of a frontier bishop; in all such accomplishments he was unsurpassed. He assumed his office, and the church began to grow and expand with marvelous strides until it has filled the land. He has spread the fame of Minnesota over the mother country of England, until his name, and that of his state, have become household words in the churches of that land. I have no hesitation in saying that to-day he is the most popular and best beloved man in all the state of Minnesota.

I can tell you an amusing anecdote about him that proves my assertion. Many years ago there lived in the town of Le Sueur a man, a great friend of mine, by the name of Bill Smith. Bill was an uncompromising democrat like myself, and had the reputation of being a pretty blunt and rough sort of a fellow; at the same time he was one of the best citizens in the Minnesota valley. He lived next door to a brick edifice used as a church by the Presbyterians, with only a picket fence between them. The people attending the church were in the habit of hitching their horses to his fence, and during services the horses would nibble the heads off of his pickets. Bill gave strict

orders to his son to cut the halters of any teams that should be hitched to the fence. Bishop Whipple had some work in the town, and the Presbyterians kindly allowed him to use their church. Not knowing of the decree that had been promulgated by the infuriated Smith, the driver hitched the Bishop's team to the prohibited fence. The boy came in and said, "Dad, some of them church fellows have hitched to our fence." "Go and cut their bridles," said Smith. "It's Bishop Whipple's team," said the boy. "Oh," said Smith, "that's another matter; Bishop Whipple is the only man in this state who can hitch his team to my fence, and if he wants to he can stable them in my parlor."

The Bishop is peculiarly happy in attaching all kinds of people to him, good and bad, high and low. I remember when the Indian war broke out, in 1862, I brought out of New Ulm about eighty badly wounded men, and distributed them between Mankato and St. Peter, turning all the hotels and public buildings into hospitals for their convenience. A few days after their arrival, the bishop appeared at St. Peter unsolicited. He brought with him his dressing gown and slippers, and a case of surgical instruments, and camped down among us, where he remained for weeks assisting the wounded and praying with the dying. That is the kind of work that endears a man to the people.

You all know that the Bishop has always been a great friend of the Indians. He believes that the Christian Indians, as he calls those who have shown some signs of recognition of the faith, performed a great many friendly acts towards the whites at the time of the massacre of 1862, and he loves to tell of it. When we all went up to dedicate the Birch Coulie monument, Governor Marshall made a speech to prove that the inscription on the monument was all wrong. Then I followed, and, for complimenting the men who held the Indians off at the Birch Coulie fight I dwelt on the splendid fighting qualities of the Sioux. Then the Bishop gave me a nudge and said, "I would give ten dollars for a five-minute talk." I told the presiding officer to call upon him, and he exhausted all his time by saying all the good things he knew about the Indians. Then an irate party who came to hear the Indians denounced as murderers, red devils, and everything that was bad, rose and said, "We came here to dedicate a monument that commemorates one of the most barbarous and savage massacres of our people that was ever perpetrated, and what have we

had? an attack upon the monument, and two glowing eulogies of the savage murderers." The Bishop and I had a good laugh over the predicament we had got the ceremonies into.

Speaking of the church: Shortly after Dr. Van Ingen came to St. Paul, I came down, in 1856, to the legislature as a representative from the Indian country. One of the first things we had to do was to elect a chaplain. I was not acquainted with any of the candidates, and Dr. Van Ingen was nominated. His name was pronounced nearly like "Indian," by the member who made the nomination. I had on moc-casins, and on hearing the name, I said, "Ingen, Ingen, that's my man," and we elected him. A very prominent young lawyer is named for him, John Van Ingen Dodd, whose mother was a prominent church woman.

TERRITORIAL POLITICS.

I have not said anything about the politics of the early days of Minnesota, and the reason is that there was very little going on that was worthy of the name until the first state election, which occurred on the 13th day of October, 1857. Prior to that, politics was either personal, Indian or missionary.

The first attempt at politics in Minnesota occurred in Wisconsin, if I may use a paradox. That state was admitted into the union in 1848, leaving all the territory west of the St. Croix without any government. Our people called a convention at Stillwater, and settled the affairs of the prospective new territory to be created out of the discarded part of Wisconsin. They assigned the capitol to St. Paul, the university to St. Anthony, the penitentiary to Stillwater, and the delegate in congress to Mendota, then called St. Peter's. Henry H. Sibley was duly chosen delegate from Wisconsin, and the act organizing the territory of Minnesota was passed by congress on the 3d of March, 1849.

Nothing occurred in the politics of the territory particularly worthy of mention in a paper like this, except, perhaps, that the legislature once, in a spasm of frontier virtue, passed a prohibitory liquor law, which was in a counter spasm speedily declared unconstitutional by the courts; but when the first state election was held, in which we were to elect members of Congress and a legislature that was to choose United States senators, things took a more national aspect and politics really began. The democrats had always been in power in the terri-

tory, and of course desired to hold that dominant position; but the republican party, having been born three years before, had grown to considerable proportions. The whole state organization was to be elected, from the governor down; so the fight became quite interesting.

A POLITICAL EPISODE.

With this introduction, I will relate an episode which occurred a week or so after the first state election closed. You must know that Pembina had, from the earliest days of the territory, been an election district, and being so remote from the seat of government, the election there was held before the time fixed in other parts of the territory, to enable it to get its election returns to the territorial auditor in St. Paul. This circumstance gave rise to the saying that Pembina always waited, in making its returns, to find out how many votes were necessary to carry the election for the democrats, and then send in the needed number. Of course, this was a republican slander, but it was generally believed, as Pembina was then a *terra incognita* to everybody but Joe Rolette, Norman W. Kittson, and a few others who had Indian interests in that region. When all the votes but those of Pembina were in, it looked as if the result of the election was quite close, and all eyes were on Pembina. It was supposed that Joe Rolette would be the bearer of the returns, and great interest was manifested by the democrats lest Rolette should fall by the wayside and the returns be lost, as we all knew that Joe was very susceptible to the allurements and temptations of civilization when within its influence.

While this important matter was in suspense, a man in the Indian trade by the name of Madison Sweetser came to me about two o'clock one night, or rather morning, and told me that Nat Tyson, who was a merchant in St. Paul, and an enthusiastic republican, had just started for the north with a fast team and an outfit that looked as if he contemplated a long journey, and his belief was that he meant to capture Rolette and the Pembina returns. I felt that such might be the case, and we immediately began to devise ways and means to circumvent him. We hastened to the house of Henry M. Rice, who knew every trader and half-breed between here and Pembina, and laid our suspicions before him. He diagnosed the case in an instant, and sent us to Norman W. Kittson, who lived in a stone house well up on Jackson street, with instructions to him to send a mounted courier after Tyson,

who was to pass him on the road and either find Rolette or Major Clitherall, who was an Alabama man and one of the United States land officers in the neighborhood of Crow Wing, being, of course, a reliable democrat, and was to deliver a letter to the one he first found, putting him on guard against the supposed enemy. I prepared the letter and Kittson in a few moments had summoned a reliable Chippewa half-breed, mounted him on a fine horse, fully explained his mission, and impressed upon him that he was to reach Clitherall or Rolette ahead of Tyson if he had to kill a dozen horses in so doing. There was nothing a fine, active, young half-breed enjoyed so much as an adventure of this kind; a ride of four hundred miles had no terrors for him, and to serve his employer faithfully, no matter what the duty or danger imposed, was his delight. When he was ready to start, Kittson gave him a send-off in about the following words: "*Ala, va vite, et ne l'arrete pas meme pour sauver la vie*" (Go, go quick, and don't stop even to save your life); and, giving his horse a vigorous slap, he was off like the wind.

The result was that he passed Tyson before he had gone twenty miles, found Clitherall a day and a half before Tyson reached Crow Wing, if he ever did get there, and delivered his letter. The major immediately started to find Rolette, which he succeeded in doing, took the returns, put them in a belt around his person, and, having relieved Joe of all his responsibility, left him to his own devices, which meant painting all the towns red that he visited on his way.

The tone of the letter was so urgent and exciting that the major did not know but that half the republicans in St. Paul might be lying in wait to capture him; so he did not enter town directly on his arrival, but went to Fort Snelling, left the returns with an army officer, and then proceeded to St. Paul. When we explained to him that no one but Rice, Sweetser, Kittson, and myself, knew anything about the matter, he was relieved, but still cautious. He waited a few days and then proposed to a lady to take a ride with him to Fort Snelling. When they started home again, he gave her a bundle and asked her to take care of it while he drove, which she unsuspectingly did; and that is the way the Pembina returns of Minnesota's first state election reached the proper custodian at the capitol. It is needless to say how many votes they represented, but only to announce that the election went democratic.

Whether Tyson had any idea of doing what we suspected him of, I never discovered, but if he did, he had a long ride for nothing; and as our scheme was so successful, I am willing to acquit him of the charge.

SIGNIFICANCE OF GEOGRAPHIC NAMES.

In looking over the map of Minnesota and the northwest generally, a thoughtful observer can read between the lines a good many things of interest not visible on the exterior. For instance, the nationality and religion of the first comers can easily be determined by the names of the rivers and cities. All over Minnesota and what we generally call the northwest is written the fact that the first innovation made upon the Indian was by the Frenchman, and the Catholic Frenchman. We here find St. Paul, St. Anthony, St. Croix, which suggest the religion. Then we find Lac qui Parle, Traverse des Sioux, Trempealeau, Pomme de Terre, and other French names, indicating the nationality. Some of the French names are original with them, and some are literal translations of the Indian names into French. For instance, take the name of Lac qui Parle, meaning the lake which speaks, or the talking lake. It got its name from the fact that it emits a constant sound of murmuring or gurgling, which naturally attracted the Sioux, and they named it M' Day-ea, or the Talking lake, which the French literally translated into Lac qui Parle. It was a very early post for the French traders, and has maintained the French name very much in its purity, the reason for which I attribute to the difficulty of corrupting it, the words being too simple to be distorted into anything else.

The same may be said of Traverse des Sioux, the crossing of the Sioux, the Indian name of which I have forgotten, but the words are so simple that it would be difficult to pronounce them incorrectly, except the "des" which is frequently called "dess," as the name of the tribe of Indians called Nez Percés, or Pierced Noses, is frequently pronounced "Ness Percies."

When we cross over to the Pacific coast we find the unmistakable handwriting of the Catholic Spaniard. Here we have San Francisco, San José, Santa Barbara, Santa Cruz, San Diego, and, farther east, the river named Rio Grande del Norte, which separates us from Mexico, all of which bespeak the Spaniard and the Catholic. In Mexico we find, besides many Spanish names, the unpronounceable names of the Aztecs, proving their previous occupancy of the country.

How long these landmarks of the nativity and religion of the early settlers will remain is doubtful. Some of them, like San Francisco, will endure as long as the country lasts and is inhabited by civilized people, for reasons quite apparent. But it must be kept in mind that they are not only rapidly disappearing, but that many of them have been twisted out of all possible recognition by the immigration which succeeded the French and the Spanish. With all our love and admiration of the American pioneer, we must admit that he could not as a general thing be called a man of culture, and especially was he not a linguist. In ninety-nine cases out of every hundred he could not speak his own language without disturbing Lindley Murray in his coffin. So these French and Spanish names stood a very poor chance of being perpetuated in their purity through his agency.

I will now give you some instances of the utter annihilation of such names in our own state. There is a river in the southern portion of Minnesota which was in the early days of Indian trade navigable for Mackinac boats and canoes, and was much used. The navigation, however, was difficult and embarrassing, which gave it the name, by the French voyageur, of "*La Rivière des embarras*," or the difficult river. Now the voyageur was usually a half-breed Indian; or, if a pure Frenchman, he spoke the Sioux language, which has many guttural sounds, and it tintured his French. He usually spoke very rapidly, and made all the short cuts he could to the end he desired. When speaking of this river he always called it "*des embarras*," which, spoken quickly with a guttural intonation, gave the American settler the word "*Zumbro*," and thus we have on our maps a Zumbro river and a town of Zumbrota.

Quite as curious and equally as effective an instance for the destruction of a name I will relate in connection with Lake Superior. Most of you will remember the curious sandy beach formation at Duluth called Minnesota point. It is a long finger of land projected from the Minnesota shore toward the Wisconsin side, a distance of some six miles, to the natural outlet of the St. Louis river into the lake. It is composed entirely of pebbles and sand thrown up from the bottom of the lake and held in place by the current of the St. Louis river meeting the wash of the lake, and presents a very curious and interesting subject for the scientist. Now, out in the lake somewhere, similar influences threw up a small island of the same material, which was in an early day quite dangerous to navigation. The French word for a

pebble of this character is "galet." So the French called this island "Isle aux Galets," or the island of pebbles. In the early days of lake navigation the sailors and pilots were principally Canadian Frenchmen, and in speaking this name of the island quickly it was caught by the Americans as "Skillegallee," and it has actually so passed into the United States charts.

There is a town in Wisconsin on the Mississippi river called "Trempealeau." It derives its name from a conical bluff near the present site of the town, which in very high water is surrounded by the river and becomes an island. The French called it "La Montagne qui trempe a l'eau" (the mountain which soaks in the water). The name of the town is wonderfully well preserved, very much better than in most cases; but I venture the assertion that not an inhabitant of it knows the origin of its name, unless he is a Frenchman.

I must relate a little circumstance connected with this town that occurred a good many years ago, in the days of river travel. I was coming up the river on a steamboat, and, as the day was fine, I was sitting on the hurricane deck. The boats were full of tourists in those days, all anxious for information. The proprietors of the town had put up a large sign to attract attention, with one word, "Trempealeau." A lady asked the captain in my presence what that meant and where it came from. He looked wise and said, "Madam, it is Winnebago." She was perfectly satisfied, and I did not correct the information, which she probably recorded in her diary and communicated to her eastern friends. I have not as yet seen it in any authentic history, but will be not at all surprised to find it there some day.

To give you a further idea of the knowledge of the river captains in those days, I will relate a little incident which occurred on the upper Missouri once when I was ascending that stream in a boat called the "Twilight." On the jackstaff of this boat was a flag bearing the sign of a crescent moon, with a star perched on one of its horns. It was pretty and attracted my attention. An opportunity occurred one night which opened the way to my asking the captain the meaning of his legend. It was the curious coincidence of exactly the same sign appearing in the heavens. I suppose it was the preparation for the occultation of Venus; at any rate, the signs were identical. I called the captain's attention to it, and asked him what his flag signified. He carefully scanned the heavens, studied the flag, and solemnly an-

nounced: "It is a sign of rain." If, under such educational influences, anything of the past remains, it will be a miracle.

The gentleman who laid out the town of Minneiska, down the river in this state, wrote to me for the name of "White Water" in Sioux, as they wished to name the town after the White Water river, which empties into the Mississippi river in that neighborhood. I wrote the name "Minne-ska," white water. They mulled over it, and concluded that if ever a railroad went through the town the brakemen could not manage that name successfully, and called it by the more euphonious name of Minneiska, which means nothing at all.

Then there is Mankato, which is a corruption of "Ma-ka-to," or Blue Earth.

DESCRIPTIVE NAMES GIVEN BY THE SIOUX.

I passed several years among the Sioux Indians of this country, and was at one time United States Indian agent for them; so I naturally picked up some of their language, and learned their ways and customs.

An aboriginal people like these savages have very few wants, and consequently their language is very meager in its means of expression. Therefore, when new objects were presented to them, in order to talk about them among themselves they had to find names for them, and such names would, in the nature of things, be descriptive. When they first saw a white man he was a Frenchman. They called him "Wa-she-cha," or the white man. The next appearance of the white man was the American soldier. The officers always carried a sword. The Indian had never seen so long a knife, and he called the American "Isan-tanka," or the long knife. Afterward came the German. His language fell harshly on the Indian ear, and they called him "Ea-shee-sha," or the bad talker.

Perhaps one of the most illustrative cases of naming a person or thing by description is found in the name they gave me. When I first went into the Indian country, about forty-four years ago, I found a young Scotsman by the name of Garvie, and camped with him. The Indians called him "Chun-ka-toka-cha-wa-pa-ha," or the man who wears the wolfskin cap. They gradually began to call me "the tall American," or "Isan-tanka-hans-ka." When I was not recognized by that name, they would say "Isan-tanka-hanska-ark ho," which means "the tall American who combs his hair back;" and if that failed to indicate my

personality, they would say, "Isan-tanka-hanska-ark-ho, tepee Chum ka tokacha-wa-pa-ha," which means, "the tall American who combs his hair back, who lives with the man who wears the wolfskin cap." That became my name, but was usually shortened to "Ark-ho," he who combs his hair back; and when I became their agent, it was changed to "Ah-tay," or father.

You have heard, no doubt, that the thoughts of the wild Indian sometimes run in a poetical vein. This is true, and I will give you an instance of it which is in line with the idea I am presenting of the resort to description for naming persons and things. Of course, a Sioux Indian in his natural state never saw a domestic rooster or chicken cock. When immigration began to crowd them this splendid bird made his appearance. They observed his noble carriage, his beautiful plumage, and his defiant air; but none of these characteristics afforded ground for a name. They then discovered that he had the peculiarity of crowing before the dawn each morning, and they gave him his name from this circumstance. They called him "An-pay-ho-to-na," or "The voice of the morning," which may be rendered, "He speaks in the morning." I, however, prefer the former as containing a really poetic expression.

Many such cases can be recalled. I will give you another that contains both the poetic and descriptive idea. Of course, before the advent of the whites, an Indian never saw the reflection of his face in anything but the surface of a lake or stream. When he was presented with a looking-glass he was amazed to see the same phenomenon repeated. He called it "Minne-odessa," or "It looks like water." I know that this name for a looking-glass is not the one given in the Dakota Dictionary. It is there called "Th-di-yom-da-sin;" but I learned it, as I have given it, in the camps, and it struck me as very pretty, so I propose to stick to my original version, the dictionary to the contrary notwithstanding. In fact, I am a good deal like a big Missouri friend I had out in the Sierra Nevada mountains, by the name of Jim Gatewood. He used to write his letters in my office, and frequently asked me how to spell a word. I finally said, "Jim, why don't you look in the dictionary?" (There was a big Webster on the table.) "Wal, Judge," he replied, "I never got the hang of them bloody dictionaries." We see in these things a certain unstudied tinge of natural poetry.

When the steamboat appeared among them with its fiery furnaces and huge stacks, puffing out volumes of black smoke and sparks, they

were amazed and called it by the only name that would naturally occur to them, "pata-wata," or fire canoe.

The next phenomenon that came along was the railroad cars, propelled by fire as the steamboat was; and what do you think they called them? "The fire canoe that goes over the mountain." As there were no railroads when I lived among the Indians, I cannot give you the Sioux for it except as I have since learned it, "Ha-ma-nee." "Ma-nee" is to walk.

There was a Virginia friend of mine who, on his first seeing an express train go whizzing by, gave it a name equally descriptive. He called it "Hell in harness."

You have often seen the flocks of wild geese as they fly over our state in their annual migrations from the south to the north and back again, and heard them squawk; the sound they make is expressed by the word "ma-ga," and the Sioux calls the wild goose "ma-ga," in exact imitation of his cry. An Indian will hide himself and call "ma-ga, ma-ga," as a flock is passing, and deceive them into believing one of their number is in distress, and by this means turn the whole flock and get a shot at them.

There is another point to which I would like to draw your attention. Among the Sioux, the dog seems to be the generic type or standard for almost all animals. They call a dog "chunka," a wolf "chunka-toka-cha," or the other dog, which is very appropriate, as the two animals very much resemble each other. The horse is called "wakon-chunka," or the spirit dog; the panther or cougar, "enemu-chunka," or the cat dog, a cat being called "enemu." This may extend to other animals, but I am fast forgetting my Sioux and cannot give more instances.

THE SIOUX MAIDEN FEAST.

The most interesting ceremony I remember having seen among the Sioux, was a trial to determine the fair fame of a young woman. The manner in which it was conducted, and the apparently correct decision arrived at, although the method of procedure was the very opposite of anything ever seen in a civilized court, was very impressive, and deeply interesting. I will endeavor to give you an idea of it. The name of the ceremony is "the maiden feast," and it takes place under the following circumstances:

Whenever any gossip or scandal about any maiden in the band gains circulation, and reaches the ears of her mother, the latter commands her daughter to give a maiden feast to vindicate her character. The girl then summons all the maidens in the band to her feast at a certain time, which is announced through the band. When the hour arrives all the girls appear on the prairie; they all have a red spot painted with vermillion on each cheek. A large, round stone painted red is placed on the prairie, with a long knife stuck in the ground in front of it and close to it. The girls then form a semicircle in front of the stone and knife, and each one separately comes forward and touches the stone with her right hand, then falls back about twenty-five feet and sits down on the grass. The hostess, having taken her place with the rest, then retires and returns with a dish for each of her guests, on which is a small quantity of rice, and a knife or spoon to eat it with. After they are all helped, she takes her place in the circle, and they all begin slowly and in an unconcerned way to eat, not looking away from their dishes. The object of this is a challenge to any man in the band to publicly make any charge he may have against any of the girls; the touching of the stone is regarded as a very sacred and solemn oath that the accused will tell the truth.

While these preliminary arrangements are being made, all the rest of the band, men, women, and children, have assembled, and every one awaits to see if any charge will be made. The manner of making an accusation, is for the party making it to step up in front of the girl, seize her by the hand and pull her to her feet. If nothing transpires before the rice is eaten, the giver of the feast is vindicated, her character restored, and her mother satisfied; then the feast is broken up and the actors disperse.

I cannot convey the idea of the making of a charge, and the trial of its truth or falsity, better than to relate what I witnessed on one of these occasions. When the circle was formed, a young buck stepped boldly in front of a very pretty girl of about sixteen or eighteen years, and roughly jerked her to her feet, and charged her with some indiscretion. The spectators watched the countenances of both parties with the closest scrutiny. The face of the accused became a study. She seemed paralyzed with indignation, and looked her accuser boldly in the eye, with an expression of injured innocence so intense and agonizing as to prevent utterance. The two stood glaring upon each other in silence for a short time, when the man displayed symptoms of nerv-

ousness, which immediately attracted the audience, and they began crying out to the girl, "Swear! Swear!" This seemed to give her courage, and, wrenching herself forcibly from her accuser, she strode with a queenly air to the stone and almost embraced it. This, together with an apparent weakening of the man, seemed to convince the people of her innocence, and they began to jeer and howl at him until he commenced to back from his position, when about fifty men and boys closed in on him, and he fled like a scared antelope, with the crowd at his heels, hurling sticks and stones at him until he disappeared from sight. I never was more satisfied with the correctness of a decision in all my experience.

ORIGIN OF THE NAME ITASCA.

In speaking of the origin of names of natural objects in our state, one of the most interesting is "Itasca," which is the name of the lake now known to be the true source of the Mississippi river. Most people think it is an Indian word, but such is not the case. It is a coined word, and was made under the following circumstances:

It has always been an object of interest to know where this great river has its source. More than fifty years ago, when Gen. Lewis Cass was governor of Michigan, his territory included all that is now Minnesota, and he made a voyage of discovery to find the source of the river. He ascended in birch canoes until he reached the large lake now known as Cass lake, and not finding any inlet, he decided it to be the source, and did not pursue his investigations further. This lake was from that time called Cass lake, and was supposed to be the head of the river. Some years afterward Mr. Schoolcraft undertook the same exploration, and, finding a considerable inlet to Cass lake, he advanced to its sources, and found a small lake which he was convinced was the true head, which our historical society has since absolutely verified. Schoolcraft was not a man of much education, and knew little Latin and less Greek. He wanted a name for his lake that would be agreeable to the ear and appropriate to the subject. He had with him a gentleman who recently died in Stillwater, Rev. William T. Boutwell, whom he consulted on the important subject of naming his new-found lake. This person took two Latin words, "veritas," truth, and "caput," the head, which Schoolcraft cut down, to retain only the last two syllables of "veritas," making "Itas" and the first syllable of "caput,"

making "ca." Then he joined them and made the beautiful word "Itasca," or the true head. A more skillful or beautiful feat in a literary point of view was never achieved.

You will find this name accounted for erroneously in some of the editions of Webster's Dictionary. He says it is taken from two Indian words, "la" and "totosha," meaning, I have found the breast of the woman, or the source of life. This is entirely unfounded, as the words cannot be tortured into making the word Itasca; and we know without a doubt that the explanation I give is absolutely correct. Some one fooled Webster. It is true that the words he quotes are strictly good Chippewa, and mean what he says they do, "la," I have found, and "to-to-sha," the female breast; but they are utterly foreign to the name "Itasca."

Another illustration of the descriptive nomenclature of the Sioux is found in the name they give a piano, "chan-da-wa-ki-ya-pee," which means an instrument made of wood that talks music.

OLD NAMES PASSING AWAY.

It occurs to me that we have an illustration of the fact that original names are fast passing away in our own state and city. We have a county of Wabasha, a city of Wabasha, and in St. Paul a Wabasha street. All these names come from an Indian chief whom I knew very well and highly respected. He was a chief of the "Wak-pay-kn-ties," or leaf shooters, and his name was "Wa-pa-sha," not Wabasha. "Wapa" means a leaf, a staff, and a bear's head; "sha" means red. So his name meant either Red Leaf, Red Staff, or Red Bear's head. We always thought it meant the Red Leaf. This corruption between Wabasha and Wapasha is not of so much importance; but it is well, while we can, to get things right. It amounts to about as much as Thompson with a "p," or Thomson without a "p."

Another instance exists right in our own midst. Robert street was named after Louis Robert, pronounced "Robear," a prominent Frenchman among the old settlers, and until quite recently was always given the French pronunciation "Robear," but the newcomers all call it Robert street. I was in a street car the other day and told the conductor to put me off at "Robear" street. He promptly informed me that I was on the wrong car. It will not be long before the correct name will be forgotten.

INDIAN MEDICINE MEN.

A singular thing among the Sioux Indians was their faith in their medical mysteries. There is a guild among them called medicine men. They work wonders with the sick and afflicted. I have known men sick with rheumatism to be cured by the medicine men rattling gourds full of beans over their prostrate forms, and chanting in a manner calculated to kill the sick and destroy the nerves of the well. I have had them bring to me the evidence of their success in various ways. One man was sick unto death with rheumatism. The medicine men worked over him for several days and finally produced an old-fashioned flint-style gunlock, which they extracted from his afflicted back. They showed me this in triumph. I read on it "Harper's ferry" in very plain English. I have had them show me live frogs and snakes which they had taken out of their patients.

Now, it is easy to understand how the medicine man can humbug his patients. We see this every day in civilized life. But how the medicine man can be humbugged in the same way it is difficult to understand. But such is undoubtedly the case. When an old friend of mine, named Shakopee, who was a medicine man, became sick at the Redwood agency, I sent my doctor down to see him. I was then represented by Dr. Daniels, now one of the most prominent physicians in the state, living at St. Peter. He reported that he was sick with typhoid fever, and that all he needed was good nursing, good food and rest. I had the facilities for all these conditions, and sent an ambulance to bring him to my agency. But he positively refused, and had the medicine men drum and rattle beans over him until he died. Now, this has always been to me a problem: do these savages actually believe in their medicine and that they get gunlocks, snakes, frogs and such things out of their patients, or would they rather die under the same treatment than confess their frauds by accepting civilized methods? I confess that I have never been able to solve the problem, and when my old friend Shakopee stuck to the barbaric treatment unto death, I rather inclined to the opinion that they were really in earnest. It is an interesting question, and, having given the facts, I turn the psychological part of it over to the thinkers.

Now, ladies and gentlemen, I have given you a general melange of everything, which contains very little of anything; and if I have amused, interested or instructed you in any degree I am well repaid.

CHAPTER XI.

ODDITIES AND INCIDENTS.

Charles E. Flandrau was the first city attorney of Minneapolis.

* * *

The first law firm established in Minnesota was by Henry F. Masterson and Orlando Simons.

* * *

The probate court of Ramsey county was organized in 1849, and Henry A. Lambert was the first judge.

* * *

George P. Wilson was attorney general of Minnesota at the time of the capture of the Younger brothers.

* * *

David Olmsted was the president of the first territorial council of Minnesota, and the first mayor of St. Paul.

* * *

One of the largest private law libraries in the state is that collected by Thomas Wilson, of Winona. It contains over six thousand volumes.

* * *

The first year of the statehood of Minnesota eighty-nine lawyers were enrolled as members of the bar in the office of the supreme court at St. Paul.

* * *

The first judge of probate in Hennepin county was Joel B. Bassett, who was elected in 1852.

* * *

Judge Flandrau was once offered forty acres of land as a fee for opposing a motion, but declined the offer and accepted a \$20 gold piece instead. The land is now the very center of Mankato.

* * *

March 23, 1860, the first white person executed under the laws of Minnesota was hung at St. Paul; and it was a woman, Anna Bilan-

sky, who suffered the extreme penalty. Her crime was the poisoning of her husband.

* * *

Ellis G. Whitall was the first lawyer to establish himself at St. Anthony, but he remained only a short time. John W. North was the first to establish himself permanently in that town.

* * *

Judge Orlando Simons was the first justice of the peace of St. Paul after the organization of the town in territorial days in 1849, and was also the first magistrate under the city organization in 1854.

* * *

Lardner Bostwick, one of the earliest settlers at St. Anthony (1850), was a direct descendant of the Earl of Chester (1156). The family is entitled to the motto upon a coat of arms: "Semper Presto Servire."

* * *

Horace R. Bigelow was the republican candidate for chief justice of the supreme court at the first state election; being defeated by the democratic candidate, he would never again permit his name to be used in politics.

* * *

At this time, 1904, both United States senators from Minnesota are lawyers; six out of the nine representatives in congress are lawyers; and twenty-four out of sixty-three members of the state senate are members of the bar.

* * *

At one of the first claim suits in Hennepin county the jury wrangled over the case for some time, when one of the jurors, growing tired of the matter, jumped from a second story window and ran away. He could not be found, and the proceedings were abandoned.

* * *

March 5, 1853, the territorial legislature passed an act directing that two terms of court be held in Hennepin county each year. The first term convened April 4, 1853, and was held in the parlor and two bed rooms of the residence of Anson Northrup on First street, near Fourth avenue south.

* * *

The late Judge John P. Rea often said that he was born upon an important election day, and therefore it was permissible that he should

always take unusual interest in political affairs. His first political speech was made in 1857 in favor of the abolition of slavery.

* * *

W. W. Erwin, referring to the case of the State of Iowa vs. Arensdorf, in which he assisted, used these words: "That case was the death knell of that false system of litigation which endeavored by procrustean rules to control what God had reserved for the conscience of man."

* * *

For several years after the organization of the territory of Minnesota the terms of court were held in such places as afforded the best facilities for the time being. A favorite place was in what was known as "Mazurka Hall," a frame building on Third street in St. Paul, which still stands.

* * *

Judson N. Cross, of Minneapolis, who made an enviable record in the early conflicts of the war of the rebellion, being compelled to resign from his regiment because of wounds, was called to Washington in July, 1864, and was made assistant provost marshal while only twenty-six years of age.

* * *

The University of Minnesota owes the selection of its beautiful site very largely to the efforts of Isaac Atwater. In 1851 he became a member of the board of regents of the young institution, and used every endeavor towards the establishment of the university upon the incomparable grounds which it now occupies.

* * *

Gen. Henry W. Childs is doubtless one of the closest students of the St. Paul bar. A young boy who is frequently sent to General Childs' office on business matters for the firm with which he is employed, unconsciously paid Mr. Childs a merited compliment by saying: "He can't be so awful well posted, because he's always studying."

* * *

The young professional men who came to Minnesota in the earliest times were, almost without exception, persons of extraordinary ability, learning and character. In courtly dignity, classical education and the manners of gentlemen, the names of Sibley, Ramsey, Flandrau, Cooper,

Goodrich and many others of their associates afford examples rarely met with in these strenuous days.

* * *

When Wisconsin was admitted to the Union, in May, 1848, with its boundary at the St. Croix river, what is now Minnesota was left unattached to any territorial or state government, without courts of any kind; and for more than a year no court of any kind was held.

* * *

The first genuine "merger" case was decided by Judge William Louis Kelly in the case of the State of Minnesota against the Great Northern Railway Company in its proposed absorption of the Northern Pacific Railway. Judge Kelly enjoined and forbid the consolidation, and his decision was approved by the United States supreme court.

* * *

P. P. Cady, of Pipestone, was once compelled to ride ten miles in the midst of a blizzard to prosecute a man for stealing government timber. Notwithstanding that the guilt of the prisoner seemed to have been established beyond a doubt, he was acquitted. Later Mr. Cady discovered that every man on the jury save one had been stealing timber from the same piece of land.

* * *

Judge D. B. Searle was one of the youngest (if indeed not the very youngest) persons who enlisted in the Union army in 1861. He was only fifteen years old in June, 1861, yet he enlisted in a New York regiment and was in the battles of Yorktown, Fair Oaks, Malvern Hill, the second battle of Bull Run, White Oak Swamp and other notable engagements in the Virginia campaign.

* * *

Charles B. Elliott is a recognized author, and his works are becoming standard. Among them may be mentioned: "United States and the Northeastern Fisheries;" "Principles of the Law of Private Corporations;" "Outline of the Law of Insurance;" and a work upon "International Law." He has also written a number of books which are in common use as text books in law schools.

* * *

Governor Gorman, who was born in Kentucky and had won the rank of colonel in the Mexican war, was noted for his wise manage-

ment of Indian affairs while he was territorial governor. During his administration he distributed over a million dollars among the Indians and safely conducted many intricate negotiations which maintained peace and good will among the early settlers and the red men.

* * *

It is related that in the early days a worthy magistrate was often observed, after the trial of a case, and before rendering a decision, to repair to a neighboring corn field as though for serious consideration. A curious citizen, who had noted the magistrate's peculiarity, secreted himself in the field, and was amazed to discover that the justice was there for the purpose of "flipping up" a coin to determine what his decision should be.

* * *

Andrew C. Dunn, of Winnebago City, was one of the managers for the house of representatives in the case of the State of Minnesota against Judge E. St. Julian Cox before the state senate sitting as a high court of impeachment. Mr. Dunn made the closing argument in the case. It was established that the intoxication of a judge while in the discharge of his judicial functions is a high crime and misdemeanor and clearly impeachable.

* * *

William H. Welch was a justice of the peace in St. Anthony when he was appointed to the supreme bench—indicating the remarkable chances for promotion in territorial days. He has the distinction of having served the longest term upon the territorial supreme bench, having been appointed in 1853 by President Pierce, reappointed in 1857 by President Buchanan, and continuing in office until the organization of the state in 1858.

* * *

H. J. Peck, of Shakopee, has defended seven persons charged with murder, all of whom were acquitted. In the trial of Mrs. Mary Patterson (1880), charged with killing her husband, suicide was set up as a defense, and from the peculiar condition and position in which the body was found it became important to determine whether the weapon had been discharged at some distance from the murdered man's head or whether it had been held firmly against the head. Leading physicians could not give positive information, and so Mr. Peck instituted a series of experiments in killing dogs. It was

proved that when the weapon was held close against the animal's head death was instantaneous and that there was no after movement of the body; but that when the shot was fired at some distance the animal died in convulsions and therefore moved about. The result of the experiments was the acquittal of Mrs. Patterson.

* * *

Judge Charles E. Flandrau was but twenty-nine years old when he was appointed associate justice of the territorial supreme court of Minnesota, and was still upon the bench when the Sioux massacre began in 1862. Notwithstanding his high official position, the very same day that the news of the Indian outbreak reached him, Judge Flandrau raised and armed one hundred and fifty volunteers, and before noon was on his way to the relief of New Ulm.

* * *

One of the most important real estate cases in the history of Minnesota was that of A. P. Linn Cochran vs. L. M. Stewart et al., involving the title to the valuable property on Hennepin avenue (Minneapolis) between Fourth and Fifth streets. The case began as early as 1867, was tried four times in the district court and three times appealed to the supreme court. In 1897 Charles M. Pond, of Minneapolis, secured a decision in the supreme court establishing L. M. Stewart's ownership.

* * *

Gen. Henry H. Sibley was the first lawyer and the first magistrate of any sort in what is now Minnesota. As early as 1835 or 1836 General Sibley was commissioned a justice of the peace by Governor Chambers of Iowa, and thus became the first judicial officer to exercise his functions within the boundaries of the present state. In 1835 General Sibley displayed the sign of his profession at Mendota, and it is still preserved as the first lawyer's "shingle" ever displayed in Minnesota.

* * *

In the trial of Herman Pohlman for the murder of Marshall Tang, of Taylors Falls, Robert L. Penney, of Minneapolis, was associated with Frank M. Nye for the defense, and tells that, regarding the case as a somewhat desperate one for the client, he went to the little daughter of the defendant, who alone of relatives in the court room could speak English, and told her to tell her parents and grandmother that when Mr. Nye was making his address they should show

a very proper or even violent emotion. It happened that the court required Mr. Nye to speak first to a legal proposition which had arisen; and, much to Mr. Penney's consternation, immediately upon Mr. Nye's beginning to explain the legal construction of a statute the defendant and his family broke out into violent sobs and moans.

* * *

The first court house erected within the present limits of Minnesota was built at Stillwater in 1847. The first territorial court was held in the structure in 1849.

* * *

The first chief justice of the territory, Aaron Goodrich, was quite an eccentric person. When his successor, Jerome Fuller, was appointed, in 1851, Judge Goodrich declined to be superseded, claiming that as his office was judicial and federal his term lasted during good behavior. His contention, however, did not prevail.

* * *

Judge Cooper is thus described: "He was from Pennsylvania, and a very peculiar man for the position. We always called him a gentleman of the old school. It was not on account of his age, because he was quite a young man, but arose from his manners and dress. He was a very social man, and liked good things, and, when exhilarated, the more punctilious and ceremonious he became in his deportment. He always wore shirts with cambric frills down the front, and lace dangling from each cuff, in the manner that French courtiers decorated their hands in the days of Louis Quatorze."

* * *

Augustus B. Choate, of Minneapolis, is one of the illustrious family of that name, but says that he has never considered honorable family connection as a bankable asset; and in this connection recalls what a biographer once said of John Choate, the common ancestor of the distinguished family in America: "It may be divulging a secret which the world ought not to know to state that John Choate, the immigrant, was a hard case, and nobody but a clergyman could handle him. He was tried for stealing apples in 1650, but triumphantly acquitted; he was arraigned for lying in 1657, but the charge was disproved, and in 1659 he was brought before the court for refusing to assist in making an arrest, but made good his defense. The only thing to be said of him in such connection is, that his wits

and brains were largely exercised in getting himself out of law scrapes, and that he seems to have stamped his personality upon his descendants to such a degree that large numbers of them have taken to the law as naturally as ducks take to water."

* * *

The first court house in St. Paul was erected in 1851 after plans prepared by Dr. David Day. He received \$10 for his work. The cost of the building was \$5,000. The site for the structure was given by Vetal Guerin and wife, and is the block bounded by Wabasha, Fourth, Cedar and Fifth streets in St. Paul, where for more than half a century the district court of Ramsey county has been held, and where the present splendid building, which was also the special pride of Dr. Day, now stands. The \$5,000 for the original building was realized by the issuing of \$5,000 face value of county bonds, bearing ten per cent interest. Two of the county commissioners could not write their names, and the bonds were sent to New York for negotiation with the commissioners' "marks." The bonds were returned as improperly signed, and William Pitt Murray, still a hale and vigorous citizen, took the two commissioners in hand to teach them how to make their signatures. It is related by Judge Flandrau that when, the next day, the bonds bore the duly written names of the commissioners the handwriting so strongly resembled that of Mr. Murray that his reputation as a lightning instructor in penmanship has never been questioned; nor was the validity of the bonds, which were paid long since, upon their maturity.

* * *

In an interesting sketch of early times Judge Flandrau says: "The first visit I ever made to the supreme court was shortly after my arrival in 1853. A case was being argued in which a Sioux Indian had killed an immigrant woman in the neighborhood of Shakopee. He was convicted and had taken an appeal. Major Noah appeared for the prosecution, and ex-Chief Justice Goodrich for the prisoner. The Indian's name was 'Zu-yay-sa' (warrior). His counsel could not pronounce it readily, and, being very familiar with Bible names, he called him all the way through the argument 'my client, Ahasuerus.' The major in his brief had made some allusion to St. Paul, the apostle, and Judge Goodrich responded by saying 'that his reference to St. Paul was the only authority he had cited that was in point, but he had such an intimate acquaintance with and high respect for

the Apostle Paul that he was assured he never would have recorded himself as the gentleman had quoted him had he not found himself in a very tight place.' He used a much stronger term than 'very.' Zu-yay-sa was hanged. It was our first execution which took place according to law. I have known of others, but I am happy to say that they were quite infrequent. It is difficult to determine whether one was happier in those free and easy days than under the more advanced civilization of the present time. We cannot make a fair comparison between a period from which we looked at the world as a prospect, and one from which we take it in as a retrospect, since the environments of the observer are so very different; but my recollection is that we were all about as joyous and free from care as the larks we whistled with when tramping the prairies; and, if you will allow me to express a personal opinion, I would like very much to be transported back to those light-hearted times."

* * *

Judge Flandrau also relates the following:

"In the beginning of the settlement of the Minnesota valley, in the early fifties, a man named Tom Cowan located at Traverse des Sioux. His name will be at once recognized by all old settlers. He was a very well read and companionable man, exceedingly bright by nature, and at once became very popular with the people. There being no lawyer but one at Traverse des Sioux, and I having been elected to the supreme bench, Mr. Cowan decided to study law and open an office for the practice of that profession. He accordingly proposed that he should study with me, which idea I strongly encouraged, and after about six weeks of diligent reading, principally devoted to the statutes, I admitted him to the bar and he fearlessly announced himself as an attorney and counselor at law. In this venture he was phenomenally successful. He was a fine speaker, made an excellent argument on facts, and soon stood high in his profession. He took a leading part in politics, was made register of deeds of his county, went to the legislature, and was nominated for lieutenant governor of the state after its admission to the union; but of course, in all his practice he was never quite certain about the law of his cases. This deficiency was made up by dash and brilliancy and he got along swimmingly. One day he came to my office and said: 'Judgey, I am going to try a suit at Le Sueur to-morrow that involves \$2,500. It is the biggest suit we have ever had in the valley, and I think it ought to have some Latin in it;

and I want you to furnish me with that ingredient.' I said: 'Tom, what is it all about? I must know what kind of a suit it is before I can supply the Latin appropriately, especially as I am not very much up in Latin myself.' He said the suit was on an insurance policy; that he was defending on the ground of misrepresentations made by the insured on the making of the policy, and he must have some Latin to illustrate and strengthen his point. I mulled over the proposition, looked up some books on maxims, and finally gave him this: '*Non hacc in federe veni*,' which I translated to mean 'I did not enter into this contract.' He was delighted and said there ought to be no doubt of success with the aid of this formidable weapon, and made me promise to ride down with him to hear him get it off. So the next day we started, and in crossing the Le Sueur prairie, Cowan was hailed by a man who said he was under arrest for having kicked a man out of his house for insulting his family, and he wanted Tom to defend him. The justice court was about a mile from the road, in a carpenter shop, the proprietor of which was the justice. Tom told him to demand a jury and he would stop on his way back and help him out. When we arrived at Le Sueur we found that the insurance case could not be heard that day, and, starting homeward, about four o'clock, we reached the carpenter shop. There we found the jury awaiting us. We hitched the team and I spread myself comfortably on a pile of shavings, to witness the legal encounter. The complaining party proved his case. Cowan put his client on the witness stand, and showed provocation. Then he addressed the jury. His defense was want of criminal intent. He dwelt eloquently on the point that the gist of the offense was the intent with which the act was committed, and when it appeared that the act was justified there could be no crime. Then, casting a quizzical glance at me he struck a tragic attitude and thundered: 'Gentlemen of the jury, it is indelibly recorded in all the works of Roman jurisprudence, "*Non hacc in federe veni*," which means there can be no crime without criminal intent.' The effect was electrical: the jury acquitted the prisoner, and we drove home fully convinced that the law was not an exact science."

* * *

September 18, 1860, William H. Seward visited St. Paul and said in a public address, that he believed that the center of power upon the North American continent would eventually be near the spot where he stood while making the address. How Mr. Seward came to make the

prediction, and also how he first became interested in securing Alaska for the United States, is explained by Charles E. Flandrau, and is a matter of the greatest historical interest and importance; indicating that but for what may be termed the accident of Mr. Seward's visit to St. Paul, he would never have thought of attempting to purchase Alaska. Judge Flandrau relates the incident in these words: "It so happened that James W. Taylor, United States consul at Winnipeg, and Bishop Anderson, of Rupert's Land, who had traveled the McKenzie river to its mouth in the Arctic ocean, and who had been all over Alaska, up and down the Yukon, and, in fact, knew more about the vast country that lies north and northwest of the United States than any living man at the date we are speaking of, were on a visit to St. Paul at the time of the arrival of Mr. Seward, and, like Mr. Seward, were guests at the Merchant's hotel. They, of course, called upon the distinguished American, and Mr. Seward became deeply interested in the conversation of Bishop Anderson about his travels through this vast upper region, and was so impressed with the immensity and future possibilities of the country that he forgot all about his appointment to speak at the capitol and kept his audience waiting nearly an hour before he could tear himself away from the fascination of the Bishop's conversation. The topic Mr. Seward had selected for his speech was one in which he was profoundly interested. It was 'The Duty, Responsibility and Future Power of the Northwest,' which was a magnificent subject for discussion by such a thoughtful statesman. Before meeting Bishop Anderson, Mr. Seward had conceived certain theories upon the question, and these preconceived ideas had been, by his intercourse with the Bishop, radically changed, if not thoroughly overthrown. It must be remembered that in 1860 very little was known about Alaska and the British possessions in the far northern regions, and it is quite possible that even a man of Mr. Seward's learning may not have included them in his calculations for the future. Of course what he said about his preconceived conclusions, and the subsequent changes made in them, involved the fact of the absorption into the United States of the whole continent. When Mr. Seward arrived at the capitol he was introduced by John W. North, and, among other things, said: 'In other days, studying what might perhaps have seemed to others a visionary subject, I have cast about for the future—the ultimate central power of the North American people. I have looked at Quebec, at New Orleans, at Washington and San Francisco, at Cincinnati and St. Louis,

and it has been the result of my last conjecture that the seat of power in North America would yet be found in the valley of Mexico—that the glories of the Aztec capital would be renewed, and that city would become ultimately the capital of the United States of America. But I have corrected that view, and I now believe that the last seat of power on this great continent will be found somewhere within a radius of not far from the spot where I now stand, at the head of navigation on the Mississippi river and the great Mediterranean lakes. When and where had this correction been made? Doubtless an hour before, at the Merchants' hotel, through the influence of the interview with Bishop Anderson. Mr. Seward was so deeply impressed with the St. Paul incident, that immediately upon his return to Washington, he opened negotiations with the Russian government for the purchase of Alaska, and persistently carried them on until he succeeded in acquiring that vast empire for a mere bagatelle of seven million dollars. This remarkable provision of Mr. Seward has stamped its effect upon our present and future destiny and relations with England, Canada, Russia and perhaps all the nations of the Orient. Had not Mr. Seward visited St. Paul on that exact day, would this great change have been made in the map of North America? It certainly would not, after the discovery of gold in Alaska. So I claim that *Minnesota played an all-important role in the purchase of Alaska.*"



JUL 8 - 1941

